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MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

UNITED STATES OF AMERICA, Plaintiff - Appellee, v. JUAN GUSTAVO ROMERO-CERVANTES, Defendant - Appellant.	No. 13-10638 D.C. No. 2:11-cr-00087-KJM MEMORANDUM*

Appeal from the United States District Court
for the Eastern District of California
Kimberly J. Mueller, District Judge, Presiding

Submitted August 13, 2014**

Before: SCHROEDER, THOMAS, and HURWITZ, Circuit Judges.

Juan Gustavo Romero-Cervantes appeals from the district court's judgment and challenges the 63-month sentence imposed following his guilty-plea conviction for being a deported alien found in the United States, in violation of 8

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* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

** The panel unanimously concludes this case is suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

U.S.C. § 1326. We have jurisdiction under 28 U.S.C. § 1291, and we affirm.

Romero-Cervantes contends that the district court abused its discretion by failing to depart or vary downward from the advisory Guidelines range on the basis of his cultural assimilation. Our review of this claim is limited to determining whether the court imposed a substantively reasonable sentence. *See United States v. Vasquez-Cruz*, 692 F.3d 1001, 1008 (9th Cir. 2012), *cert. denied*, 134 S. Ct. 76 (2013). The district court did not abuse its discretion in imposing Romero-Cervantes's sentence. *See Gall v. United States*, 552 U.S. 38, 51 (2007). The sentence at the top of the Guidelines range is substantively reasonable in light of the 18 U.S.C. § 3553(a) sentencing factors and the totality of the circumstances, including Romero-Cervantes's extensive criminal history and five prior deportations. *See* U.S.S.G. § 2L1.2 cmt. n.8; *Gall*, 552 U.S. at 51.

AFFIRMED.