

OCT 1 2014

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NOT FOR PUBLICATION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.

ARELI VENCES-NAVARETTE, a.k.a.
Nestor Garcia-Lopez, a.k.a. Roberto
Lopez-Pena, a.k.a. Nestor Lopez-Pompa,
a.k.a. Rudy Martinez-Lopez, a.k.a. Raul
Vences-Nava, a.k.a. Nestor Vences-
Navarette,

Defendant - Appellant.

No. 13-10556

D.C. No. 2:12-cr-00483-PMP

MEMORANDUM*

Appeal from the United States District Court
for the District of Nevada
Philip M. Pro, District Judge, Presiding

Submitted September 23, 2014**

Before: W. FLETCHER, RAWLINSON, and CHRISTEN, Circuit Judges.

Areli Vences-Navarette appeals from the district court's judgment and

* 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).

challenges the 48-month sentence imposed following his guilty-plea conviction for being a deported alien found unlawfully in the United States, in violation of 8 U.S.C. § 1326. We have jurisdiction under 28 U.S.C. § 1291, and we affirm.

Vences-Navarette contends that his above-Guidelines sentence is substantively unreasonable because the 18 U.S.C. § 3553(a) sentencing factors supported the imposition of a within-Guideline sentence. The district court did not abuse its discretion in imposing Vences-Navarette's sentence. *See Gall v. United States*, 552 U.S. 38, 51 (2007). The sentence is substantively reasonable in light of the section 3553(a) sentencing factors and the totality of the circumstances, including Vences-Navarette's extensive criminal and immigration history. *See id.*

AFFIRMED.