

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NOT FOR PUBLICATION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.

JOSE RAUL AYALA-MEDINA,

Defendant - Appellant.

No. 13-50481

D.C. No. 3:13-cr-01288-LAB

MEMORANDUM*

Appeal from the United States District Court
for the Southern District of California
Larry A. Burns, District Judge, Presiding

Submitted September 23, 2014**

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

Jose Raul Ayala-Medina appeals from the district court’s judgment and challenges the 60-month sentence imposed following his guilty-plea conviction for importation of methamphetamine and heroin, in violation of 21 U.S.C. §§ 952 and 960. We have jurisdiction under 28 U.S.C. § 1291, and we affirm.

* 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).

Ayala-Medina contends that his above-Guidelines sentence is greater than necessary under 18 U.S.C. § 3553(a) in light of his individual circumstances, including his age, lack of criminal history, and motivation for committing the offense. The district court did not abuse its discretion in imposing Ayala-Medina's sentence. *See Gall v. United States*, 552 U.S. 38, 51 (2007). The sentence, three-months above the high end of the Guidelines range, is substantively reasonable in light of the section 3553(a) sentencing factors and the totality of the circumstances. *See id.*; *see also United States v. Gutierrez-Sanchez*, 587 F.3d 904, 908 (9th Cir. 2009) ("The weight to be given the various factors in a particular case is for the discretion of the district court.").

AFFIRMED.