

OCT 27 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NOT FOR PUBLICATION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.

DAVID ANGULO-VISCARRA, a.k.a.  
David Angulo-Vizcarra,

Defendant - Appellant.

No. 14-10018

D.C. No. 4:13-cr-00333-JGZ-  
BPV-1

MEMORANDUM\*

Appeal from the United States District Court  
for the District of Arizona  
Jennifer G. Zips, District Judge, Presiding

Submitted August 18, 2014\*\*

Before: HUG, FARRIS, and CANBY, Circuit Judges.

David Angulo-Viscarra appeals from the district court's judgment and challenges the 40-month sentence imposed following his guilty-plea conviction for attempted exportation of goods from the United States, in violation of 18 U.S.C. §

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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).

554(a) and 22 U.S.C. § 2278(b)(2) and (c). We have jurisdiction under 28 U.S.C. § 1291, and we affirm.

Angulo-Viscarra contends that the district court failed to consider his argument regarding unwarranted sentencing disparities and did not sufficiently explain the reasons for rejecting that argument. Because Angulo-Viscarra did not object on these grounds below, we review for plain error. *See United States v. Dallman*, 533 F.3d 755, 761 (9th Cir. 2008). Angulo-Viscarra has not shown plain error affecting his substantial rights. *See id.*; *United States v. Carty*, 520 F.3d 984, 991-93 (9th Cir. 2008) (en banc); *see also United States v. Carter*, 560 F.3d 1107, 1121 (9th Cir. 2009) (recognizing that co-defendants are not similarly situated and therefore not subjected to unwarranted sentencing disparities where they are convicted of different offenses).

**AFFIRMED.**