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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>UNITED STATES OF AMERICA,</p> <p style="text-align: center;">Plaintiff - Appellee,</p> <p style="text-align: center;">v.</p> <p>JUAN QUIROZ-MARTINEZ,</p> <p style="text-align: center;">Defendant - Appellant.</p>
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No. 13-10621

D.C. No. 2:13-cr-00209-LDG

MEMORANDUM*

Appeal from the United States District Court
for the District of Nevada
Lloyd D. George, District Judge, Presiding

Submitted November 18, 2014**

Before: LEAVY, FISHER, and N.R. SMITH, Circuit Judges.

Juan Quiroz-Martinez appeals from the district court’s judgment and challenges the 51-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.

* 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).

The government argues that Quiroz-Martinez waived his right to challenge the sentence by requesting a sentence “no greater than 51 months.” We are not persuaded that Quiroz-Martinez’s statement effectuated a waiver of the arguments he raises on appeal. *See United States v. Perez*, 116 F.3d 840, 845 (9th Cir. 1997) (en banc) (waiver occurs when there has been an “intentional relinquishment or abandonment of a known right” (internal quotations omitted)).

Quiroz-Martinez contends that the district court did not consider his mitigating arguments and failed to explain the sentence adequately. We review for plain error, *see United States v. Valencia-Barragan*, 608 F.3d 1103, 1108 (9th Cir. 2010), and find none. The record reflects that the district court considered Quiroz-Martinez’s mitigating arguments, the government’s arguments, and the parties’ sentencing recommendations before imposing a sentence at the bottom of the Guidelines range. Nothing more was required. *See United States v. Carty*, 520 F.3d 984, 992, 995 (9th Cir. 2008) (en banc). Moreover, contrary to Quiroz-Martinez’s contention, the sentence is substantively reasonable in light of the 18 U.S.C. § 3553(a) sentencing factors and the totality of the circumstances. *See Gall v. United States*, 552 U.S. 38, 51 (2007).

AFFIRMED.