

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

FEB 24 2015

FOR THE NINTH CIRCUIT

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

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

HERMILO GUTIERREZ-FARIAS,

Defendant - Appellant.

Nos. 14-10086  
14-10087

D.C. Nos. 4:12-cr-00482-JGZ  
4:13-cr-01104-JGZ

MEMORANDUM\*

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

Submitted February 17, 2015\*\*

Before: O'SCANNLAIN, LEAVY, and FERNANDEZ, Circuit Judges.

In these consolidated appeals, Hermilo Gutierrez-Farias appeals the 37-month sentence imposed following his guilty-plea conviction for reentry after deportation, in violation of 8 U.S.C. § 1326, and the four-month consecutive sentence imposed upon revocation of supervised release. We have jurisdiction under 28

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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. § 1291, and we affirm.

Gutierrez-Farias contends that the district court erred by failing to consider adequately his request for a downward variance under 18 U.S.C. § 3553(a)(6). We review for plain error, *see United States v. Rangel*, 697 F.3d 795, 805 (9th Cir. 2012), and find none. The record reflects that the district court considered the need to avoid unwarranted sentencing disparities and sufficiently explained the sentence. *See United States v. Carty*, 520 F.3d 984, 992 (9th Cir. 2008) (en banc).

**AFFIRMED.**