

MAR 17 2015

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NOT FOR PUBLICATION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.

MIGUEL DELOA,

Defendant - Appellant.

No. 14-10120

D.C. No. 2:13-cr-00347-LDG

MEMORANDUM*

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

Submitted March 10, 2015**

Before: FARRIS, WARDLAW, and PAEZ, Circuit Judges.

Miguel Deloa appeals from the district court's judgment and challenges the 50-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).

Deloa contends that his sentence is substantively unreasonable in light of his cultural assimilation and other mitigating factors. The district court did not abuse its discretion in imposing Deloa's sentence. *See Gall v. United States*, 552 U.S. 38, 51 (2007). The 50-month sentence, at the middle of the Guidelines range, is substantively reasonable in light of the 18 U.S.C. § 3553(a) sentencing factors and the totality of the circumstances, including Deloa's criminal history and three prior deportations. *See* U.S.S.G. § 2L1.2 cmt. n.9; *Gall*, 552 U.S. at 51.

AFFIRMED.