

MAR 18 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NOT FOR PUBLICATION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.

JOSE ESPINOZA-VENTURA, a.k.a.
Alfredo Ernesto-Ramirez, a.k.a. Jesus Jose
Tobar,

Defendant - Appellant.

No. 14-10329

D.C. No. 2:13-cr-00402-KJD

MEMORANDUM*

Appeal from the United States District Court
for the District of Nevada
Kent J. Dawson, District Judge, Presiding

Submitted March 10, 2015**

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

Jose Espinoza-Ventura appeals from the district court's judgment and challenges the 24-month sentence imposed following his guilty-plea conviction for

* 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).

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.

Espinoza-Ventura contends that his sentence is substantively unreasonable in light of the staleness of his prior conviction and his cultural assimilation. The district court did not abuse its discretion in imposing Espinoza-Ventura's sentence. *See Gall v. United States*, 552 U.S. 38, 51 (2007). The 24-month sentence at the bottom 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. *See Gall*, 552 U.S. at 51; *see also United States v. Burgos-Ortega*, 2015 WL 468186, at *8 (9th Cir. Feb. 5, 2015) (noting that the defendant's staleness argument "was taken into account under the post-*Amezcuva-Vasquez* Guidelines amendment reducing the increase for a prior felony not scored from 16 to 12").

AFFIRMED.