

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

APR 30 2015

FOR THE NINTH CIRCUIT

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

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

MIGUEL MARTINEZ-VILLAREAL, a.k.a.
Sergio Ponce De Leon, a.k.a. Miguel Angel
Gonzalez, a.k.a. Miguel Gonzalez-Martinez,
a.k.a. Miguel Gonzalez-Villareal, a.k.a.
Miguel Martinez, a.k.a. Mario Sanchez,

Defendant - Appellant.

Nos. 14-10121
14-10125

D.C. Nos. 2:07-cr-00277-PGR
4:13-cr-00134-PGR

MEMORANDUM*

Appeal from the United States District Court
for the District of Arizona
Paul G. Rosenblatt, District Judge, Presiding

Submitted April 22, 2015**

Before: GOODWIN, BYBEE, and CHRISTEN, Circuit Judges.

In these consolidated appeals, Miguel Martinez-Villareal appeals from the district court's judgments and challenges the 79-month sentence imposed following

* 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).

his guilty-plea conviction for reentry of a removed alien, in violation of 8 U.S.C. § 1326, and the 16-month consecutive sentence imposed upon revocation of supervised release. We have jurisdiction under 28 U.S.C. § 1291, and we affirm.

Martinez-Villareal contends that the district court erred by (1) failing to explain adequately the sentences imposed, (2) failing to address his sentencing arguments, and (3) presuming that a Guidelines sentence was reasonable. 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 court considered Martinez-Villareal's arguments, sufficiently explained the sentences, and properly treated the Guidelines as advisory in granting Martinez-Villareal's request for a downward variance. *See United States v. Carty*, 520 F.3d 984, 992 (9th Cir. 2008) (en banc). Moreover, the below-Guidelines sentences are substantively reasonable in light of the relevant sentencing factors and the totality of the circumstances, including Martinez-Villareal's criminal history. *See Gall v. United States*, 552 U.S. 38, 51 (2007).

AFFIRMED.