

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

FILED

JUN 30 2015

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

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

SERGIO BARAHONA,

Defendant - Appellant.

No. 14-10388

D.C. No. 4:13-cr-00450-JAS

MEMORANDUM*

Appeal from the United States District Court
for the District of Arizona
James Alan Soto, District Judge, Presiding

Submitted June 22, 2015**

Before: HAWKINS, GRABER, and W. FLETCHER, Circuit Judges.

Sergio Barahona appeals from the district court's judgment and challenges the 48-month sentence imposed following his guilty-plea conviction for illegal reentry after deportation, 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).

Barahona contends that his sentence is substantively unreasonable based on the specific facts of his case, including that he returned to the United States to support and provide home care for his family. He also argues that the 16-level enhancement under U.S.S.G. § 2L1.2(b)(1)(A) is disproportionately harsh. The district court imposed a downward variance of nine months from the advisory Guidelines in consideration of the mitigating factors, and did not abuse its discretion in imposing Barahona's sentence. *See Gall v. United States*, 552 U.S. 38, 51 (2007). The 48-month sentence is substantively reasonable in light of the 18 U.S.C. § 3553(a) factors and the totality of the circumstances, including Barahona's criminal history of domestic abuse. *See Gall*, 552 U.S. at 51.

AFFIRMED.