

SEP 01 2015

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

ALVARO SANTOS-JUATECO, a.k.a.
Roberto Arturo Aca-Juateco,

Defendant - Appellant.

No. 14-50387

D.C. No. 3:14-cr-00553-GT

MEMORANDUM*

Appeal from the United States District Court
for the Southern District of California
Gordon Thompson, Jr., District Judge, Presiding

Submitted August 25, 2015**

Before: McKEOWN, CLIFTON, and HURWITZ, Circuit Judges.

Alvaro Santos-Juateco appeals from the district court's judgment and challenges the 34-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 removed alien found in the United States, in violation of 8 U.S.C. § 1326.

We dismiss.

Santos-Juateco contends that the district court erred by applying a 16-level sentencing enhancement, imposing a term of supervised release, and finding his criminal history not to be over-represented. The government argues that the appeal should be dismissed based on an appeal waiver contained in the plea agreement.

We review de novo whether to enforce an appeal waiver. *See United States v. Watson*, 582 F.3d 974, 981 (9th Cir. 2009). Under the terms of the appeal waiver, Santos-Juateco waived any right to appeal his sentence, and we therefore dismiss this appeal. *See id.* at 986, 988.

DISMISSED.