

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

NOV 24 2015

FOR THE NINTH CIRCUIT

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

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

MERCEDES MOLANO OLIVER, a.k.a.
Mercedes M. Oliver, a.k.a. Mercedes
Sanchez-Molano, a.k.a. Beatriz Eugenia
Zavala-Gomez,

Defendant - Appellant.

No. 14-10529

D.C. No. 4:13-cr-01643-RM

MEMORANDUM*

Appeal from the United States District Court
for the District of Arizona
Rosemary Marquez, District Judge, Presiding

Submitted November 18, 2015**

Before: TASHIMA, OWENS, and FRIEDLAND, Circuit Judges.

Mercedes Molano Oliver appeals from the district court's judgment and challenges the 40-month sentence imposed following her guilty-plea conviction for attempted reentry after deportation, in violation of 8 U.S.C. § 1326. We have

* 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).

jurisdiction under 28 U.S.C. § 1291, and we affirm.

Oliver argues that the district court procedurally erred by failing to address her request for a downward variance. 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 district court granted a downward variance after considering Oliver's arguments and adequately explained the sentence. *See United States v. Carty*, 520 F.3d 984, 992-93 (9th Cir. 2008) (en banc).

AFFIRMED.