

MAR 21 2016

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NOT FOR PUBLICATION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.

NOEL GALLARDO-MEDINA, a.k.a.
Gustavo Chavez, a.k.a. Noe Gallardo-
Medina, a.k.a. Gordo, a.k.a. Noe,

Defendant - Appellant.

No. 15-50057

D.C. No. 2:12-cr-00566-MMM

MEMORANDUM*

Appeal from the United States District Court
for the Central District of California
Margaret M. Morrow, District Judge, Presiding

Submitted March 15, 2016**

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

Noel Gallardo-Medina appeals from the district court's judgment and challenges the 168-month sentence imposed following his guilty-plea conviction for conspiracy to distribute cocaine and methamphetamine, in violation of 21

* 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).

U.S.C. §§ 841(b)(1)(A) and 846. We have jurisdiction under 28 U.S.C. § 1291, and we affirm.

Gallardo-Medina contends that the sentence is substantively unreasonable in light of the unduly harsh nature of the methamphetamine Guidelines and the district court's failure to give sufficient weight to the need to avoid unwarranted sentencing disparities. The district court did not abuse its discretion in imposing Gallardo-Medina's sentence. *See Gall v. United States*, 552 U.S. 38, 51 (2007). The below-Guidelines sentence is substantively reasonable in light of the 18 U.S.C. § 3553(a) sentencing factors and the totality of the circumstances, including the nature of the offense and the need to avoid unwarranted sentencing disparities. *See Gall*, 552 U.S. at 51; *United States v. Gutierrez-Sanchez*, 587 F.3d 904, 908 (9th Cir. 2009) ("The weight to be given the various factors in a particular case is for the discretion of the district court.").

AFFIRMED.