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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NOT FOR PUBLICATION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.

MIGUEL ANGEL GUTIERREZ-
AGUILAR, a.k.a. Miguel Gomez, a.k.a.
Hugo Gutierrez-Gutierrez, a.k.a. Miguel
Gomez-Garcia,

Defendant-Appellant.

No. 15-10506
15-10507

D.C. No. 4:15-cr-00393-RCC
2:10-cr-01077-RCC

MEMORANDUM*

Appeal from the United States District Court
for the District of Arizona
Raner C. Collins, Chief Judge, Presiding

Submitted October 25, 2016**

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

In these consolidated appeals, Miguel Angel Gutierrez-Aguilar appeals the 46-month sentence imposed following his guilty-plea conviction for reentry of a

* This disposition is not appropriate for publication and is not precedent except as provided by Ninth Circuit Rule 36-3.

** The panel unanimously concludes this case is suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

removed alien, in violation of 8 U.S.C. § 1326, and the 15-month consecutive sentence imposed upon revocation of supervised release. We have jurisdiction under 28 U.S.C. § 1291, and we affirm.

Gutierrez-Aguilar contends that the district court procedurally erred by failing to (1) consider the 18 U.S.C. § 3553(a) sentencing factors, (2) address his nonfrivolous mitigating arguments, and (3) explain the sentence adequately. 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 considered the section 3553(a) factors and Gutierrez-Aguilar's mitigating arguments, and explained the sentence sufficiently. *See Rita v. United States*, 551 U.S. 338, 357-59 (2007); *United States v. Carty*, 520 F.3d 984, 992 (9th Cir. 2008) (en banc).

Gutierrez-Aguilar also contends that the 61-month aggregate sentence is substantively unreasonable. The district court did not abuse its discretion. *See Gall v. United States*, 552 U.S. 38, 51 (2007). The aggregate within-Guidelines sentence is substantively reasonable in light of the relevant sentencing factors and the totality of the circumstances, including Gutierrez-Aguilar's criminal and immigration history. *See id.*

AFFIRMED.