

JAN 24 2017

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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NOT FOR PUBLICATION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.

LORENZO GONZALEZ, a.k.a. Grumpy,

Defendant-Appellant.

No. 15-50478

D.C. No. 2:11-cr-00050-SVW

MEMORANDUM*

Appeal from the United States District Court
for the Central District of California
Stephen V. Wilson, District Judge, Presiding

Submitted January 18, 2017**

Before: TROTT, TASHIMA, and CALLAHAN, Circuit Judges.

Lorenzo Gonzalez appeals from the district court's judgment and challenges the 262-month sentence imposed upon resentencing after remand following his jury-trial conviction for one count of racketeering influenced and corrupt organizations conspiracy, in violation of 18 U.S.C. § 1962(d), and two counts of

* 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).

violent crime in aid of racketeering in violation of 18 U.S.C. § 1959(a)(2). We have jurisdiction under 28 U.S.C. § 1291, and we affirm.

Gonzalez contends that his sentence is unreasonable because the district court declined to impose the below-guidelines sentence recommended by the probation officer. The record reflects that the district court adequately explained its reasons for not accepting the probation officer's recommendation. *See United States v. Carty*, 520 F.3d 984, 992 (9th Cir. 2008) (en banc). The district court did not abuse its discretion in imposing Gonzalez's sentence. *See Gall v. United States*, 552 U.S. 38, 51 (2007). The within-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 seriousness of Gonzalez's offenses and the need for deterrence. *See Gall*, 552 U.S. at 51.

AFFIRMED.