

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

APR 24 2017

FOR THE NINTH CIRCUIT

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

UNITED STATES OF AMERICA,

No. 16-50178

Plaintiff-Appellee,

D.C. No. 3:15-cr-02657-LAB

v.

MEMORANDUM*

CESAR COUTINO-LOPEZ,

Defendant-Appellant.

Appeal from the United States District Court
for the Southern District of California
Larry A. Burns, District Judge, Presiding

Submitted April 11, 2017**

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

Cesar Coutino-Lopez appeals from the district court's judgment and challenges the 24-month sentence and one-year term of supervised release imposed following his guilty-plea conviction for being a removed alien found in the United States, in violation of 8 U.S.C. § 1326. We have jurisdiction under 28 U.S.C.

* 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).

§ 1291, and we affirm.

Coutino-Lopez contends that the government breached the parties' plea agreement at the sentencing hearing by implicitly suggesting that it did not support the stipulated low-end Guidelines sentence or the four-level fast-track departure under U.S.S.G. § 5K3.1. We reject this argument because the record reflects that, in its sentencing summary chart and at the sentencing hearing, the government stood by its recommendation that Coutino-Lopez receive the stipulated fast-track departure and a low-end Guidelines sentence. Accordingly, Coutino-Lopez received the benefit of his bargain and "the presentation of a united front to the court." *See United States v. Alcala-Sanchez*, 666 F.3d 571, 575 (9th Cir. 2012) (internal quotations omitted).

Coutino-Lopez next contends that his sentence is substantively unreasonable. The court did not abuse its discretion in imposing Coutino-Lopez's sentence. *See Gall v. United States*, 552 U.S. 38, 51 (2007). The custodial sentence and term of supervised release are substantively reasonable in light of the applicable 18 U.S.C. § 3553(a) factors and the totality of the circumstances, including Coutino-Lopez's immigration history. *See Gall*, 552 U.S. at 51.

AFFIRMED.