

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

UNITED STATES OF AMERICA,  
  
Plaintiff-Appellee,  
  
v.  
  
ANGEL SANDOVAL MONDRAGON,  
  
Defendant-Appellant.

No. 17-30038  
  
D.C. No. 2:15-cr-00386-JLR-1  
  
MEMORANDUM\*

UNITED STATES OF AMERICA,  
  
Plaintiff-Appellee,  
  
v.  
  
MARBELLA SANDOVAL  
MONDRAGON,  
  
Defendant-Appellant.

No. 17-30039  
  
D.C. No. 2:15-cr-00386-JLR-2

UNITED STATES OF AMERICA,  
  
Plaintiff-Appellee,

No. 17-30047  
  
D.C. No. 2:15-cr-00386-JLR-3

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

v.

MIGUEL ARCEF-FLORES,

Defendant-Appellant.

Appeal from the United States District Court  
for the Western District of Washington  
James L. Robart, District Judge, Presiding

Argued and Submitted March 9, 2018  
Seattle, Washington

Before: RAWLINSON and CLIFTON, Circuit Judges, and FREUDENTHAL,\*\*  
Chief District Judge.

Defendants-Appellants Angel Mondragon, Marbella Mondragon, and Miguel Arcef-Flores appeal the sentences imposed on them by the district court. Sentencing decisions are reviewed for abuse of discretion. *United States v. Valencia-Barragan*, 608 F.3d 1103, 1108 (9th Cir. 2010). In conducting this review, we consider both procedural error and substantive reasonableness. *United States v. Carty*, 520 F.3d 984, 993 (9th Cir. 2008).

The court below did not procedurally err. It considered Defendants' arguments for downward variances and the relevant evidence. Defendants argue that the district court failed to consider relevant factors, such as a defendant's

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\*\* The Honorable Nancy Freudenthal, Chief United States District Judge for the District of Wyoming, sitting by designation.

“abusive and impoverished” childhood, but the district court made explicit reference to those claims. Defendants may disagree with the district court’s conclusions, but that is a substantive objection, not a procedural error.

In reviewing the substantive reasonableness of a sentence, our review is highly deferential, and “relief is appropriate only in rare cases when the appellate court possesses ‘a definite and firm conviction that the district court committed a clear error of judgment.’” *United States v. Doe*, 842 F.3d 1117, 1122 (9th Cir. 2016), *cert. denied*, 137 S.Ct. 1597 (2017) (internal citations omitted). Defendants failed to demonstrate that their sentences are not substantively reasonable. The district court reasonably weighed MCR’s testimony and the other evidence before it. The upward variances in Defendants’ sentences were based on the district court’s conclusion that Defendants’ activities were “outside the heartland” of the crime for which they pled guilty. The district court did not abuse its discretion in reaching that conclusion and in sentencing Defendants.<sup>1</sup>

**AFFIRMED.**

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<sup>1</sup>We do not find a need to strike portions of the Reply Brief at this stage in the proceedings. The Motion to Strike Portions of Defendant-Appellant Marbella Mondragon’s Reply Brief is **DENIED**.