NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

UNITED STATES OF AMERICA, Plaintiff - Appellee, v. PEDRO MARCOS-MARCOS, AKA Chino, AKA Pedro Marcos, Defendant - Appellant.	No. 11-50332 D.C. No. 2:09-cr-00066-GHK-3 MEMORANDUM*

Appeal from the United States District Court
for the Central District of California
George H. King, Chief District Judge, Presiding

Submitted February 11, 2013**
Pasadena, California

Before: KOZINSKI, Chief Judge, KLEINFELD and SILVERMAN, Circuit Judges.

* 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).

The sentence was not rendered unreasonable because it was greater than his co-defendants' sentences. The need to avoid unwarranted sentence disparity is only one factor the judge must consider. United States v. Vasquez, 654 F.3d 880, 886 (9th Cir. 2011) (citations omitted). Significant differences existed between Marcos-Marcos and his co-defendants.

The district court did not take improper judicial notice of the facts of another alien smuggling case. It did not take judicial notice of any facts, but merely reflected, as is appropriate, upon how this case compared in severity with others.

There is no support in the record for the contention that the district court did not understand its discretion under Kimbrough v. United States, 552 U.S. 85 (2007). Absent some contrary indication in the record, we assume that district judges understand the law. See United States v. Carty, 520 F.3d 984, 992 (9th Cir. 2008) (en banc).

AFFIRMED.