

APR 29 2016

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NOT FOR PUBLICATION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 MACIAS, a.k.a. Flaco,

Defendant - Appellant.

No. 15-10168

D.C. No. 3:14-cr-00077-CRB

MEMORANDUM*

Appeal from the United States District Court
for the Northern District of California
Charles R. Breyer, District Judge, Presiding

Submitted April 26, 2016**

Before: McKEOWN, WARDLAW, and PAEZ, Circuit Judges.

Miguel Macias appeals from the district court's judgment and challenges the 90-month sentence imposed following his guilty-plea conviction for distribution and possession with intent to distribute 50 grams or more of methamphetamine, in

* 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).

violation of 21 U.S.C. § 841(a)(1), (b)(1)(A); and money laundering, in violation of 18 U.S.C. § 1956. We have jurisdiction under 28 U.S.C. § 1291, and we affirm.

Macias contends that the district court procedurally erred by failing to (1) explain the sentence sufficiently, and (2) respond to his argument that a more lenient sentence was appropriate in light of his youth, his lack of a criminal history, his dire economic circumstances, and the disparity between his sentence and those of his coconspirators. We review for plain error, *see United States v. Valencia-Barragan*, 608 F.3d 1103, 1108 (9th Cir. 2010), and find none. The record shows that the district court considered Macias's mitigating arguments and sufficiently explained the sentence, which was within the parties' stipulated sentencing range. *See Rita v. United States*, 551 U.S. 338, 357-59 (2007).

AFFIRMED.