

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

MAY 31 2016

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

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

GABRIEL RAMOS LLAMAS,

Defendant - Appellant.

No. 15-30170

D.C. No. 2:14-cr-00140-RMP

MEMORANDUM*

Appeal from the United States District Court
for the Eastern District of Washington
Rosanna Malouf Peterson, District Judge, Presiding

Submitted May 24, 2016**

Before: REINHARDT, W. FLETCHER, and OWENS, Circuit Judges.

Gabriel Ramos Llamas appeals from the district court's judgment and challenges the 48-month sentence imposed following his guilty-plea conviction for conspiracy to distribute heroin, in violation of 21 U.S.C. §§ 841(a)(1) and 846.

We have jurisdiction under 28 U.S.C. § 1291, and we affirm.

* 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).

Llamas contends that the district court procedurally erred by failing to address his sentencing arguments and sufficiently explain the sentence. We disagree. The record reflects that the district court considered Llamas's arguments and adequately explained its reasons for imposing the significantly below-Guidelines sentence. *See United States v. Carty*, 520 F.3d 984, 992 (9th Cir. 2008) (en banc).

Llamas next contends that the sentence is substantively unreasonable in light of the mitigating factors and the alleged sentencing disparity between his sentence and that of his co-defendant. The district court did not abuse its discretion. *See Gall v. United States*, 552 U.S. 38, 51 (2007). The sentence is substantively reasonable in light of the 18 U.S.C. § 3553(a) sentencing factors and the totality of the circumstances, including the nature of the offense. *See Gall*, 552 U.S. at 51; *United States v. Carter*, 560 F.3d 1107, 1121 (9th Cir. 2009) (“[A] sentencing disparity based on cooperation is not unreasonable.”). We reject Llamas's contention that the district court based his sentence on his race or national origin.

AFFIRMED.