

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

JUN 18 2018

FOR THE NINTH CIRCUIT

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

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

v.

GUADALUPE RAMOS-AGUILAR, a.k.a.
Vicente Aguilar Barrajas, a.k.a. Alberto
Lemus,

Defendant-Appellant.

Nos. 17-10124
17-10126

D.C. Nos. 4:16-cr-01124-RCC
4:13-cr-00693-RCC

MEMORANDUM*

Appeal from the United States District Court
for the District of Arizona
Raner C. Collins, Chief Judge, Presiding

Submitted June 12, 2018**

Before: RAWLINSON, CLIFTON, and NGUYEN, Circuit Judges.

In these consolidated appeals, Guadalupe Ramos-Aguilar appeals the aggregate 58-month sentence imposed following his guilty-plea conviction for reentry of a removed alien, in violation of 8 U.S.C. § 1326, and his admission that

* 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).

he violated the terms of his supervised release. We have jurisdiction under 28 U.S.C. § 1291, and we affirm.

Ramos-Aguilar first contends that the district court procedurally erred by failing to address his arguments in support of a downward variance. The court did not plainly err. *See United States v. Valencia-Barragan*, 608 F.3d 1103, 1108 (9th Cir. 2010). The court considered Ramos-Aguilar's individualized circumstances and mitigating arguments, explaining that his motive argument was not "a good one," and that deterrence was an important consideration. It was not required to say more. *See United States v. Petri*, 731 F.3d 833, 842 (9th Cir. 2013) (district court need not "detail its evaluation of every assertion made to support [defendant's] argument during sentencing" as long as it makes clear that the parties' arguments have been heard and a reasoned decision made).

Ramos-Aguilar also contends that his sentence is substantively unreasonable. The district court did not abuse its discretion. *See United States v. Autery*, 555 F.3d 864, 871 (9th Cir. 2009). The court considered Ramos-Aguilar's mitigation arguments and determined that they were insufficient to warrant the significant downward variance he sought in light of how quickly he returned to the United States. The below-Guidelines sentence is substantively reasonable in light

of the 18 U.S.C. § 3553(a) sentencing factors and the totality of the circumstances.

See United States v. Carty, 520 F.3d 984, 993 (9th Cir. 2008) (en banc).

AFFIRMED.