

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

SEP 18 2018

FOR THE NINTH CIRCUIT

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

UNITED STATES OF AMERICA,

No. 17-50361

Plaintiff-Appellee,

D.C. No. 2:17-cr-00219-PA

v.

MEMORANDUM*

BRIAN CECILIO RODRIGUEZ,

Defendant-Appellant.

Appeal from the United States District Court
for the Central District of California
Percy Anderson, District Judge, Presiding

Submitted September 12, 2018**

Before: LEAVY, HAWKINS, and TALLMAN, Circuit Judges.

Brian Cecilio Rodriguez appeals from the district court's judgment and challenges the 30-month sentence imposed following his guilty-plea conviction for conspiracy, in violation of 18 U.S.C. § 371, and aggravated identity theft, in violation of 18 U.S.C. § 1028A(a)(1). We have jurisdiction under 28 U.S.C.

* 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).

§ 1291, and we affirm.

Rodriguez contends that the district court procedurally erred by failing to explain the sentence, specifically the disparity between Rodriguez's 30-month sentence and his co-defendant's 25-month sentence. The district court adequately explained the reasons for Rodriguez's low-end sentence. *See United States v. Carty*, 520 F.3d 984, 992 (9th Cir. 2008) (en banc). The district court was not required to "tick off each of the [18 U.S.C.] § 3553(a) factors to show that it ha[d] considered them." *Id.* Nor did Rodriguez raise arguments that would have warranted a more fulsome explanation. *See Rita v. United States*, 551 U.S. 338, 356-58 (2007).

To the extent Rodriguez argues that his sentence has resulted in an unwarranted disparity with his co-defendant, the record belies this contention.

AFFIRMED.