

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

AUG 22 2019

FOR THE NINTH CIRCUIT

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

UNITED STATES OF AMERICA,

No. 18-10101

Plaintiff-Appellee,

D.C. No. 2:17-cr-00789-SMM-1

v.

MEMORANDUM*

JESUS ALFREDO GONZALEZ-
BORQUEZ, AKA Jesus Alfredo Gonzalez-
Borquz,

Defendant-Appellant.

Appeal from the United States District Court
for the District of Arizona
Stephen M. McNamee, District Judge, Presiding

Submitted August 19, 2019**

Before: SCHROEDER, PAEZ, and HURWITZ, Circuit Judges.

Jesus Alfredo Gonzalez-Borquez appeals from the district court's judgment and challenges the 60-month sentence imposed following his guilty-plea conviction for reentry of a removed alien, in violation of 8 U.S.C. § 1326. We

* 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).

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

Gonzalez-Borquez first contends that the district court procedurally erred in imposing his sentence. We review for plain error, *see United States v. Valencia-Barragan*, 608 F.3d 1103, 1108 (9th Cir. 2010), and conclude that there is none. Contrary to Gonzalez-Borquez’s contentions, the record indicates that the district court made an individualized sentencing determination and addressed Gonzalez-Borquez’s arguments for a downward variance. Furthermore, Gonzalez-Borquez has not shown that his sentence was based on unsupported assumptions or erroneous facts in violation of his substantial rights. *See United States v. Christensen*, 732 F.3d 1094, 1106 (9th Cir. 2013).

Gonzalez-Borquez also contends that the sentence is substantively unreasonable. We conclude that the court properly considered the 18 U.S.C. § 3553(a) sentencing factors and did not abuse its discretion in giving greater weight to the need for deterrence and protection of the public. *See United States v. Gutierrez-Sanchez*, 587 F.3d 904, 908 (9th Cir. 2009) (“The weight to be given the various factors in a particular case is for the discretion of the district court”). The within-Guidelines sentence is substantively reasonable in light of the sentencing factors and the totality of the circumstances, including Gonzalez-Borquez’s criminal history. *See Gall v. United States*, 552 U.S. 38, 51 (2007).

AFFIRMED.