

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

APR 15 2020

FOR THE NINTH CIRCUIT

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

UNITED STATES OF AMERICA,

No. 19-50193

Plaintiff-Appellee,

D.C. No. 3:18-cr-05183-DMS-1

v.

MEMORANDUM\*

PABLO ZAMORANO-MUNOZ,

Defendant-Appellant.

Appeal from the United States District Court  
for the Southern District of California  
Dana M. Sabraw, District Judge, Presiding

Submitted April 7, 2020\*\*

Before: TASHIMA, BYBEE, and WATFORD, Circuit Judges.

Pablo Zamorano-Munoz appeals from the district court's judgment and challenges his 24-month sentence imposed following his guilty-plea conviction for attempted reentry of a removed alien, in violation of 8 U.S.C. § 1326. We have jurisdiction under 28 U.S.C. § 1291, and we affirm.

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\* 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).

Zamorano-Munoz contends that his above-Guidelines sentence is substantively unreasonable because (1) his prior convictions were already taken into consideration in the calculation of his Guidelines range, and (2) the upward variance created rather than avoided a sentencing disparity. The district court did not abuse its discretion. *See Gall v. United States*, 552 U.S. 38, 51 (2007).

Contrary to Zamorano-Munoz's contentions, the above-Guidelines sentence is substantively reasonable in light of the 18 U.S.C. § 3553(a) factors and the totality of the circumstances, including Zamorano-Munoz's criminal and immigration history and the need to provide adequate deterrence. *See Gall*, 552 U.S. at 51.

**AFFIRMED.**