

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

JUN 11 2020

FOR THE NINTH CIRCUIT

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

UNITED STATES OF AMERICA,

No. 19-50289

Plaintiff-Appellee,

D.C. No. 2:18-cr-00599-SVW-1

v.

MEMORANDUM*

JOSE NAVARRO GOMEZ, AKA Jose
Belaborte Gomez, AKA Jose Belaorte
Gomez, AKA Jose Beliberto Gomez
Navarro, AKA Jose Heiberto Gomez
Navarro, AKA Jose Heliberto Gomez-
Navarro,

Defendant-Appellant.

Appeal from the United States District Court
for the Central District of California
Stephen V. Wilson, District Judge, Presiding

Submitted June 2, 2020**

Before: LEAVY, PAEZ, and BENNETT, Circuit Judges.

Jose Navarro Gomez appeals from the district court's judgment and
challenges the 30-month sentence imposed following his guilty-plea conviction for

* 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).

being an illegal alien found in the United States following deportation, in violation of 8 U.S.C. § 1326. We have jurisdiction under 28 U.S.C. § 1291. We vacate and remand.

Navarro Gomez contends that the district court procedurally erred by failing to explain the sentence adequately. We agree. The court provided no explanation for the sentence imposed. Moreover, the record reflects that the court did not calculate or state the Guidelines range, or reference or discuss the 18 U.S.C. § 3553(a) sentencing factors. The district court's failure "to provide any guidance with respect to its sentencing decision" constitutes plain error. *See United States v. Hammons*, 558 F.3d 1100, 1104-05 (9th Cir. 2009). Accordingly, we vacate the judgment and remand for resentencing.

In light of this disposition, we do not reach Navarro Gomez's arguments concerning errors in the written judgment.

VACATED and REMANDED for resentencing.