

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

DEC 7 2020

FOR THE NINTH CIRCUIT

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

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

v.

PABLO MAGANA,

Defendant-Appellant.

No. 19-50374

D.C. No. 3:19-cr-01452-WQH-1

MEMORANDUM*

Appeal from the United States District Court
for the Southern District of California
William Q. Hayes, District Judge, Presiding

Submitted December 2, 2020**

Before: WALLACE, CLIFTON, and BRESS, Circuit Judges.

Pablo Magana appeals from the district court's judgment and challenges the 120-month sentence imposed following his guilty-plea conviction for importation of methamphetamine and heroin, in violation of 21 U.S.C. §§ 952 and 960. We have jurisdiction under 28 U.S.C. § 1291, and we affirm.

* 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).

Magana contends that the district court procedurally erred by failing to consider his argument for a lower sentence and by failing to provide an adequate explanation for the sentence imposed. The district court did not plainly err. *See United States v. Valencia-Barragan*, 608 F.3d 1103, 1108 (9th Cir. 2010). The record reflects that the court considered Magana's arguments and adequately explained its reasons for the below-Guidelines sentence. *See United States v. Carty*, 520 F.3d 984, 992 (9th Cir. 2008) (en banc). The court made clear that, in light of Magana's "very aggravated" criminal history, it would not vary downward further. The court was not required to address specifically each of Magana's arguments. *See Rita v. United States*, 551 U.S. 338, 358-59 (2007).

AFFIRMED.