

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

AUG 6 2021

FOR THE NINTH CIRCUIT

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

UNITED STATES OF AMERICA,

No. 20-10314

Plaintiff-Appellee,

D.C. Nos.

v.

4:19-cr-01333-JGZ-EJM-2

ADA SELENE CERECER-CASTRO,

4:19-cr-01333-JGZ-EJM

Defendant-Appellant.

MEMORANDUM*

Appeal from the United States District Court
for the District of Arizona
Jennifer G. Zipps, District Judge, Presiding

Submitted August 4, 2021**
San Francisco, California

Before: THOMAS, Chief Judge, and HAWKINS and McKEOWN, Circuit
Judges.

Ada Selene Cerecer-Castro appeals her sentence on the ground that the
district court did not adequately state the reasons for the sentence it imposed. The
parties are familiar with the facts, so we do not repeat them here. We have

* 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).

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

Cerecer-Castro did not object to the district court's explanation at the sentencing hearing, so we review for plain error. *See United States v. Waknine*, 543 F.3d 546, 554 n.4 (9th Cir. 2008). We find none. The district court stated that it had considered the 18 U.S.C. § 3553(a) factors and the parties' memoranda, and it asked the government to speak to Cerecer-Castro's culpability as compared with her husband's. The district court imposed a within-Guidelines sentence, rejecting Cerecer-Castro's argument that she was less culpable than her husband. It found that her offense was harmful, that she abused her border crossing card, that she used her children to facilitate the offense, and that she was minimizing her responsibility. The district court did not plainly err in considering the relevant factors and imposing a sentence at the bottom of the Guidelines range. *See Chavez-Meza v. United States*, 138 S. Ct. 1959, 1964 (2018) ("When a judge applies a sentence within the Guidelines range, he or she often does not need to provide a lengthy explanation.").

AFFIRMED.