

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

OCT 19 2021

FOR THE NINTH CIRCUIT

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

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

v.

OSCAR BARRERAS-FELIX,

Defendant-Appellant.

No. 20-10369

D.C. No.

4:19-cr-02199-JGZ-BGM-1

MEMORANDUM*

Appeal from the United States District Court
for the District of Arizona

Jennifer G. Zipps, District Judge, Presiding

Submitted October 12, 2021**

Before: TALLMAN, RAWLINSON, and BUMATAY, Circuit Judges.

Oscar Barreras-Felix appeals from the district court's judgment and challenges the 54-month term of confinement and a standard condition of supervised release imposed following his guilty-plea conviction to drug offenses involving methamphetamine. We have jurisdiction under 28 U.S.C. § 1291, and

* 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).

we affirm.

Barreras-Felix contends that the district court procedurally erred by failing to address his arguments for a below-Guidelines 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. The record reflects that the district court considered Barrera-Felix's arguments and fully explained its reasons for imposing a sentence below the applicable Guidelines range. *See United States v. Perez-Perez*, 512 F.3d 514, 516-17 (9th Cir. 2008) (district court need not specifically address each of the defendant's arguments to show that it has considered them).

Barreras-Felix also argues that the district court imposed a substantively unreasonable sentence by giving excessive weight to aggravating sentencing factors and insufficient weight to his mitigating circumstances. The district court did not abuse its discretion. *See Gall v. United States*, 552 U.S. 38, 51 (2007). The below-Guidelines sentence is substantively reasonable in light of the 18 U.S.C. § 3553(a) sentencing factors and the totality of the circumstances. *See Gall*, 552 U.S. at 51; *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.").

Finally, as Barreras-Felix concedes, his challenge to Standard Condition 12 of his term of supervised release is foreclosed by our recent decision in *United*

States v. Gibson, 998 F.3d 415, 422-23 (9th Cir. 2021).

AFFIRMED.