

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

MAR 21 2023

FOR THE NINTH CIRCUIT

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

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

v.

LAURA MARQUEZ CRUZ, AKA Laura  
Valdez,

Defendant-Appellant.

Nos. 22-50122  
22-50123

D.C. Nos. 3:19-cr-02284-LAB-1  
3:21-cr-02883-LAB-1

MEMORANDUM\*

Appeal from the United States District Court  
for the Southern District of California  
Larry A. Burns, District Judge, Presiding

Submitted March 14, 2023\*\*

Before: SILVERMAN, SUNG, and SANCHEZ, Circuit Judges.

In these consolidated appeals, Laura Marquez Cruz appeals from the district court's judgments and challenges the 77-month sentence imposed following her guilty-plea conviction for importation of heroin, in violation of 21 U.S.C. §§ 952, 960, and the 8-month consecutive sentence imposed upon revocation of probation.

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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).

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

Marquez Cruz contends that the aggregate 85-month sentence is substantively unreasonable because her personal circumstances, health conditions, and nonviolent criminal history weighed in favor of a lower sentence. The district court did not abuse its discretion. *See Gall v. United States*, 552 U.S. 38, 51 (2007). The sentence is substantively reasonable in light of the applicable 18 U.S.C. § 3553(a) sentencing factors and the totality of the circumstances, including her criminal history, need for deterrence, and breach of the court’s trust. *See Gall*, 552 U.S. at 51; *United States v. Miqbel*, 444 F.3d 1173, 1182 (9th Cir. 2006); *see also 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.”).

**AFFIRMED.**