

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

SEP 25 2026

FOR THE NINTH CIRCUIT

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

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

ALFREDO VENTURA-GUTIERREZ,
AKA Jose Ventura-Dias,

Defendant - Appellant.

No. 26-2517

D.C. No.

1:25-cr-02100-MKD-1

MEMORANDUM*

Appeal from the United States District Court
for the Eastern District of Washington
Mary K. Dimke, District Judge, Presiding

Submitted September 22, 2026**

Before: OWENS, COLLINS, and SUNG, Circuit Judges.

Alfredo Ventura-Gutierrez appeals from the district court's judgment and challenges the 24-month sentence imposed following his guilty-plea conviction for being a deported alien found in the United States in violation of 8 U.S.C. § 1326.

* 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.

Ventura contends that the district court procedurally erred by failing to address his argument regarding the need to avoid unwarranted sentencing disparities under 18 U.S.C. § 3553(a)(6). Contrary to Ventura’s contention, we review this claim for plain error. *See United States v. Bradford*, 148 F.4th 699, 708 (9th Cir. 2025). However, Ventura’s claim fails under any standard of review.

The district court fully explained its reasons for the upward variance to 24 months, stating that the Guidelines range in this case was “absolutely insufficient” in light of Ventura’s “absolute disrespect for humanity, disrespect for women, disrespect for children, and disrespect for court orders and legal processes to try to prevent him from engaging in that very behavior.” This explanation demonstrates that the court was not persuaded that Ventura was similarly situated to the average illegal reentry defendant, *see United States v. Carter*, 560 F.3d 1107, 1121 (9th Cir. 2009) (a sentencing disparity is not unwarranted if the defendant is not similarly situated to the comparator cases), and more than suffices to permit meaningful appellate review, *see United States v. Carty*, 520 F.3d 984, 991-92 (9th Cir. 2008) (en banc).

AFFIRMED.