

[DO NOT PUBLISH]

IN THE UNITED STATES COURT OF APPEALS

FOR THE ELEVENTH CIRCUIT

No. 11-11143
Non-Argument Calendar

FILED U.S. COURT OF APPEALS ELEVENTH CIRCUIT AUGUST 30, 2011 JOHN LEY CLERK
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D.C. Docket No. 1:10-cr-00510-TCB-AJB-1

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

RENE IVAN RAUDALES-GARAY,

Defendant-Appellant.

Appeal from the United States District Court
for the Northern District of Georgia

(August 30, 2011)

Before WILSON, PRYOR and BLACK, Circuit Judges.

PER CURIAM:

Rene Ivan Raudales-Garay appeals his sentence of imprisonment for 21 months, which was imposed after he pleaded guilty to illegally reentering the

United States after being deported. 8 U.S.C. § 1326(a). Garay argues that his sentence below the advisory guideline range is substantively unreasonable. We affirm.

We review a sentence for reasonableness under a deferential standard for abuse of discretion, Gall v. United States, 552 U.S. 38, 41, 128 S. Ct. 586, 591 (2007), and the party challenging the sentence bears the burden of establishing that it is unreasonable, United States v. Talley, 431 F.3d 784, 788 (11th Cir. 2005). We will reverse a sentence as substantively unreasonable only if, after considering the totality of the circumstances, we are left with the definite and firm conviction that the district court committed a clear error of judgment in weighing the relevant sentencing factors. United States v. Irely, 612 F.3d 1160, 1189–90 (11th Cir. 2010) (en banc), cert. denied, 131 S. Ct. 1813 (2011).

Garay's sentence is reasonable. The eight-level enhancement of Garay's sentence rationally deters those who seek to reenter the United States illegally after having committed several crimes. Garay entered the United States illegally three times and has 11 prior convictions, including a burglary conviction. The district court reasonably determined that, in the light of Garay's criminal history, a sentence of 21 months promotes deterrence, protection of the public, and respect for the law, and it reflects the seriousness of Garay's offense. 18 U.S.C. §

3553(a). Garay's sentence is below the advisory guideline sentence of 24 months.

The district court did not abuse its discretion.

AFFIRMED.