

SEP 03 2010

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

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>UNITED STATES OF AMERICA,</p> <p>Plaintiff - Appellee,</p> <p>v.</p> <p>GUILLERMO ORTEGA,</p> <p>Defendant - Appellant.</p>
--

No. 09-30378

D.C. No. 2:09-cr-00224-RSL

MEMORANDUM*

Appeal from the United States District Court
for the Western District of Washington
Robert S. Lasnik, Chief Judge, Presiding

Submitted August 23, 2010**

Before: LEAVY, HAWKINS, and THOMAS, Circuit Judges.

Guillermo Ortega appeals from the 20-month and one-week sentence imposed following his guilty-plea conviction for illegal reentry after deportation, in violation of 8 U.S.C. § 1326. We have jurisdiction under 28 U.S.C. § 1291, and we affirm.

* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

** The panel unanimously concludes this case is suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

Ortega contends that the district court procedurally erred by failing to avoid unwarranted sentencing disparities, and that the sentence imposed was greater than necessary to accomplish the purposes of sentencing. The record reflects that the district court considered the 18 U.S.C. § 3553(a) factors, including the need to avoid unwarranted sentencing disparities, and provided a reasoned explanation for the sentence imposed. The district court did not procedurally err, and the sentence was substantively reasonable under the totality of the circumstances. *See United States v. Carty*, 520 F.3d 984, 993 (9th Cir. 2008) (en banc); *see also United States v. Marcial-Santiago*, 447 F.3d 715, 719 (9th Cir. 2006) (finding that the need to consider unwarranted sentencing disparities is only one factor a district court is to consider in imposing a sentence).

AFFIRMED.