

MAY 21 2014

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

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

ISRRAEL PARAMO-VILLASANA,
a.k.a. Israel Villasana-Paramo, a.k.a.
Isrrael Villasana-Paramo,

Defendant - Appellant.

No. 13-10161

D.C. No. 4:11-cr-03496-CKJ

MEMORANDUM*

Appeal from the United States District Court
for the District of Arizona
Cindy K. Jorgenson, District Judge, Presiding

Submitted May 13, 2014**

Before: CLIFTON, BEA, and WATFORD, Circuit Judges.

Isrrael Paramo-Villasana appeals his jury-trial conviction and 46-month sentence for 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).

Paramo-Villasana contends that the district court erred by denying his motion to suppress his identity, which he disclosed during a traffic stop, because he had reason to believe that he was not free to leave during the stop. We review the denial of a motion to suppress de novo. *See United States v. Del Toro Gudino*, 376 F.3d 997, 998 (9th Cir. 2004). We decline to reach the issue of whether Paramo-Villasana's encounter with law enforcement violated the Fourth Amendment because, even assuming a violation, Paramo-Villasana's identity cannot be suppressed. *See id.* at 1000-01.

Paramo-Villasana also contends that his sentence is substantively unreasonable. We review for abuse of discretion, *see Gall v. United States*, 552 U.S. 38, 51 (2007), and find none. The within-Guidelines sentence is substantively reasonable in light of the 18 U.S.C. § 3553(a) sentencing factors and the totality of the circumstances, including Paramo-Villasana's criminal history. *See id.*

AFFIRMED.