

JAN 03 2014

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

RODOLFO PARTIDA-DeREAL,

Defendant - Appellant.

No. 13-30089

D.C. No. 3:12-cr-00593-MA

MEMORANDUM\*

Appeal from the United States District Court  
for the District of Oregon  
Malcolm F. Marsh, District Judge, Presiding

Submitted December 17, 2013\*\*

Before: GOODWIN, WALLACE, and GRABER, Circuit Judges.

Rodolfo Partida-DeReal appeals from the district court's judgment and challenges the 32-month sentence imposed following his guilty-plea conviction for illegal reentry, in violation of 8 U.S.C. § 1326. We have jurisdiction under 28 U.S.C. § 1291, and we affirm.

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\* 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).

Partida-DeReal contends that his sentence is substantively unreasonable because the district court placed too much emphasis on deterrence and failed to adequately account for his history and characteristics. The district court did not abuse its discretion in imposing Partida-DeReal's sentence. *See Gall v. United States*, 552 U.S. 38, 51 (2007). The court varied downward to account for the age of Partida-DeReal's prior conviction. The sentence 14 months below the low end of the Guidelines range is substantively reasonable in light of the 18 U.S.C. § 3553(a) sentencing factors and the totality of the circumstances, including Partida-DeReal's criminal and immigration history. *See id.*

**AFFIRMED.**