

AUG 01 2016

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NOT FOR PUBLICATION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.

JUAN JOSE DE LOS SANTOS-
OROZCO, a.k.a. Juan De Los Santos-
Orozco,

Defendant - Appellant.

No. 15-10286

D.C. No. 4:14-cr-01536-RM

MEMORANDUM*

Appeal from the United States District Court
for the District of Arizona
Rosemary Marquez, District Judge, Presiding

Submitted July 26, 2016**

Before: SCHROEDER, CANBY, and CALLAHAN, Circuit Judges.

Juan Jose De Los Santos-Orozco appeals from the district court's judgment and challenges his guilty-plea conviction for reentry of a removed alien, in violation of 8 U.S.C. § 1326. We have jurisdiction under 28 U.S.C. § 1291, and

* 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).

we affirm.

Santos-Orozco contends that his guilty plea was not knowing and voluntary because he did not fully comprehend the nature of pleading guilty without a plea agreement, rather than accepting the plea agreement offered by the government. We review de novo. *See United States v. Carter*, 795 F.3d 947, 950 (9th Cir. 2015). The record reflects that the district court explained to Santos-Orozco the effect of pleading guilty both under the proposed plea agreement and without the benefit of that agreement. Contrary to Santos-Orozco's contention, his statements at the hearing reflect that his guilty plea was knowing and voluntary. *See United States v. Kaczynski*, 239 F.3d 1108, 1115 (9th Cir. 2001) (substantial weight is given to defendant's in-court statements).

AFFIRMED.