

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

DEC 14 2022

FOR THE NINTH CIRCUIT

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

UNITED STATES OF AMERICA,

No. 21-10358

Plaintiff-Appellee,

D.C. No.

v.

4:05-cr-00125-DCB-BPV-2

SERGIO ANTONIO HARO,

MEMORANDUM\*

Defendant-Appellant.

Appeal from the United States District Court  
for the District of Arizona  
David C. Bury, District Judge, Presiding

Submitted November 17, 2022\*\*  
Phoenix, Arizona

Before: BYBEE, OWENS, and COLLINS, Circuit Judges.

Sergio Haro appeals from the district court's sentence imposed at resentencing pursuant to our remand in *United States v. Haro-Verdugo*, 748 F. App'x 727, 729-30, 732 (9th Cir. 2018). "We review a district court's sentencing decision for abuse of discretion." *United States v. Brown*, 42 F.4th 1142, 1145 (9th

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\* This disposition is not appropriate for publication and is not precedent except as provided by Ninth Circuit Rule 36-3.

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

Cir. 2022). As the parties are familiar with the facts, we do not recount them here. We affirm.

The district court did not abuse its discretion in imposing a below-guidelines 300-month sentence on Haro at resentencing. Contrary to his contention, Haro's sentence did not create an unwarranted disparity with the sentences of his co-defendants because they were not similarly situated as his co-defendants were convicted of less serious offenses and/or pled guilty. *See* 18 U.S.C. § 3553(a)(6) (requiring a sentencing court to consider “the need to avoid unwarranted sentence disparities among defendants with similar records who have been found guilty of similar conduct”); *United States v. Garro*, 517 F.3d 1163, 1172 (9th Cir. 2008) (stating that the defendant “was not similarly situated to those with whom he compared himself because they had either pled guilty or had committed different crimes”). Moreover, at sentencing, the district court sufficiently addressed Haro's argument regarding his sentence compared to those of his co-defendants.

**AFFIRMED.**