

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

No. 10-4588

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

ADIEL GUTIERREZ-MONDRAGON, a/k/a Pedro Gonzalez Penalosa, a/k/a Adiel Gutierrez, a/k/a Gabriel Gonzalez-Penalosa,

Defendant – Appellant.

Appeal from the United States District Court for the Middle District of North Carolina, at Greensboro. James A. Beaty, Jr., Chief District Judge. (1:09-cr-00099-JAB-1)

Submitted: December 13, 2010

Decided: December 23, 2010

Before KING, KEENAN, and WYNN, Circuit Judges.

Affirmed by unpublished per curiam opinion.

C. Scott Holmes, BROCK, PAYNE & MEECE, PA, Durham, North Carolina, for Appellant. John W. Stone, Jr., Acting United States Attorney, Michael F. Joseph, Assistant United States Attorney, Greensboro, North Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Adiel Gutierrez-Mondragon pleaded guilty to illegally reentering the United States after being deported for an aggravated felony, in violation of 8 U.S.C. § 1326(a) and (b)(2) (2006). The U.S. Sentencing Guidelines Manual (2008) called for a sentencing range of 57 months to 71 months, and Gutierrez-Mondragon received a 60-month sentence. Gutierrez-Mondragon now appeals, claiming that the district court imposed a procedurally unreasonable sentence because it failed to address all of counsel's sentencing arguments and failed to provide an adequate explanation for the sentence imposed. We affirm.

We review a sentence for reasonableness under an abuse of discretion standard. Gall v. United States, 552 U.S. 38, 51 (2007). A sentence is procedurally reasonable where the district court properly calculated the defendant's advisory Guidelines range, considered the 18 U.S.C. § 3553(a) (2006) sentencing factors, analyzed any arguments presented by the parties, and sufficiently explained the selected sentence. Id. at 49-50.

In this case, the district court complied with § 3553(a), Gall, and this court's sentencing precedent. The district court heard arguments from the parties and permitted Gutierrez-Mondragon to speak on his own behalf. The court explained that, after considering all the factors listed and

arguments made by counsel, it found no reason to depart from the advisory guidelines sentence. Accordingly, we reject Gutierrez-Mondragon's claim of procedural error. See United States v. Hernandez, 603 F.3d 267, 271 (4th Cir. 2010) ("Generally, an adequate explanation for a Guidelines sentence is provided when the district court indicates that it is resting its decision on the commission's own reasoning . . . and . . . the case before [the court] is typical." (internal quotation marks and alterations omitted)).

We accordingly affirm the district court's judgment. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

AFFIRMED