

MAR 01 2012

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NOT FOR PUBLICATION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.

JAIME LEMUS-MARINES, a.k.a. Jaime
Lemus, a.k.a. Jaime Lemus-Marilius,

Defendant - Appellant.

No. 11-10218

D.C. No. 4:10-cr-02646-CKJ

MEMORANDUM*

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

Submitted February 21, 2012**

Before: FERNANDEZ, McKEOWN, and BYBEE, Circuit Judges.

Jaime Lemus-Marines appeals from the 46-month sentence imposed following his guilty-plea conviction for illegal reentry after deportation, 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.

Lemus-Marines contends that his sentence is procedurally unreasonable because the district court did not specifically discuss his principal arguments in favor of a shorter sentence. The record reflects that the district court adequately considered and addressed Lemus-Marines's arguments and the 18 U.S.C. § 3553(a) sentencing factors. *See Rita v. United States*, 551 U.S. 338, 356-58 (2007). Furthermore, in light of the totality of the circumstances and the section 3553(a) sentencing factors, Lemus-Marines's within-Guidelines sentence is substantively reasonable. *See Gall v. United States*, 552 U.S. 38, 51 (2007).

AFFIRMED.