

MAR 09 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NOT FOR PUBLICATION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.

ERNESTO SANTANA-MORALES,
a.k.a. Ernesto Morales, a.k.a. Jose Ortiz,

Defendant - Appellant.

No. 11-50173

D.C. No. 2:10-cr-00874-PA

MEMORANDUM*

Appeal from the United States District Court
for the Central District of California
Percy Anderson, District Judge, Presiding

Submitted March 6, 2012**

Before: B. FLETCHER, REINHARDT, and TASHIMA, Circuit Judges.

Ernesto Santana-Morales appeals from the 77-month sentence imposed following his guilty-plea conviction for being an illegal alien found in the United States following deportation, in violation of 8 U.S.C. § 1326. We have jurisdiction

* 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).

under 28 U.S.C. § 1291, and we affirm.

Santana-Morales contends that his sentence is substantively unreasonable, because the district court did not depart based on his fast-track guilty plea, cultural assimilation, and the need to avoid unwarranted sentencing disparities. In light of Santana-Morales's extensive criminal history and the need to provide adequate deterrence, Santana-Morales's low-end Guideline sentence is substantively reasonable. *See* 18 U.S.C. § 3553(a); U.S.S.G. § 2L1.2 cmt. n. 8; *Gall v. United States*, 552 U.S. 38, 51 (2007).

AFFIRMED.