

DEC 18 2013

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

GONZALO SERRANO-VILLALOBOS,

Defendant - Appellant.

No. 12-10653

D.C. No. 2:10-cr-00055-KJM

MEMORANDUM*

Appeal from the United States District Court
for the Eastern District of California
Kimberly J. Mueller, District Judge, Presiding

Submitted December 17, 2013**

Before: GOODWIN, WALLACE, and GRABER, Circuit Judges.

Gonzalo Serrano-Villalobos appeals from the district court’s judgment and challenges the 180-month sentence imposed following his guilty-plea conviction for multiple drug offenses in violation of 21 U.S.C. §§ 841(a) and 846. We have jurisdiction under 28 U.S.C. § 1291, and we affirm.

* 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).

Serrano-Villalobos contends that his sentence is substantively unreasonable because the district court failed to grant a departure on the ground that his criminal history category was overstated. The district court did not abuse its discretion in imposing Serrano-Villalobos's sentence. *See Gall v. United States*, 552 U.S. 38, 51 (2007). The below-Guidelines sentence is substantively reasonable in light of the 18 U.S.C. § 3553(a) sentencing factors and the totality of circumstances, including the offense conduct. *See id.*

AFFIRMED.