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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NOT FOR PUBLICATION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.

RAMON CERVANTES,

Defendant - Appellant.

No. 12-50520

D.C. No. 3:12-cr-03254-LAB-1

MEMORANDUM*

Appeal from the United States District Court
for the Southern District of California
Larry A. Burns, District Judge, Presiding

Submitted September 12, 2013**

Before: HUG, FARRIS, and LEAVY, Circuit Judges.

Ramon Cervantes appeals from the district court's judgment and challenges the 80-month sentence imposed following his guilty-plea conviction for possession of methamphetamine with intent to distribute and possession of cocaine with intent to distribute, in violation of 21 U.S.C. § 841(a).

* 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).

Cervantes contends that the sentence, which is below the applicable Sentencing Guidelines range, is substantively unreasonable. We review for abuse of discretion. *See Gall v. United States*, 552 U.S. 38, 51 (2007). The 80-month sentence was not substantively unreasonable in light of the 18 U.S.C. § 3553(a) factors and the totality of the circumstances, including not only Cervantes's lack of prior convictions, but also the large quantities of methamphetamine and cocaine involved in the offense, the fact that Cervantes had imported drugs on four prior occasions, and the need for the sentence to provide deterrence and promote respect for the law. *See id.*

AFFIRMED.