

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

FILED

MAR 18 2015

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

MAURO ORDAZ-MORENO,

Defendant - Appellant.

No. 14-10128

D.C. No. 2:13-cr-00264-GMN

MEMORANDUM*

Appeal from the United States District Court
for the District of Nevada
Gloria M. Navarro, Chief Judge, Presiding

Submitted March 10, 2015**

Before: FARRIS, WARDLAW, and PAEZ, Circuit Judges.

Mauro Ordaz-Moreno appeals from the district court's judgment and challenges the 30-month sentence imposed following his guilty-plea conviction for attempted reentry of a deported alien, in violation of 8 U.S.C. § 1326; and fraud

* 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).

and misuse of visas, permits, and other documents, in violation of 18 U.S.C. § 1546(a). We have jurisdiction under 28 U.S.C. § 1291, and we affirm.

Ordaz-Moreno contends that his sentence is substantively unreasonable in light of the staleness of his prior conviction and his cultural assimilation. The district court did not abuse its discretion in imposing Ordaz-Moreno's sentence. *See Gall v. United States*, 552 U.S. 38, 51 (2007). The 30-month sentence at the bottom of the Guidelines range is substantively reasonable in light of the 18 U.S.C. § 3553(a) sentencing factors and the totality of the circumstances, including Ordaz-Moreno's criminal history and the need to promote respect for the law. *See Gall*, 552 U.S. at 51; *see also United States v. Burgos-Ortega*, 2015 WL 468186, at *8 (9th Cir. Feb. 5, 2015) (noting that the defendant's staleness argument "was taken into account under the post-*Amezcuva-Vasquez* Guidelines amendment reducing the increase for a prior felony not scored from 16 to 12").

AFFIRMED.