

SEP 25 2015

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NOT FOR PUBLICATION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.

BENITO LOAIZA-PARRA, a.k.a. Jose
Martinez-Gutierrez,

Defendant - Appellant.

Nos. 14-10492
14-10544D.C. Nos. 2:13-cr-456-MMD
2:13-cr-401-GMN

MEMORANDUM*

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

Submitted September 21, 2015**

Before: REINHARDT, LEAVY, and BERZON, Circuit Judges.

In these consolidated appeals, Benito Loaiza-Parra appeals the 30-month sentence imposed following his guilty-plea conviction for being a deported alien found unlawfully in the United States, in violation of 8 U.S.C. § 1326, and the 24-

* 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).

month sentence imposed upon revocation of supervised release. We have jurisdiction under 28 U.S.C. § 1291, and we affirm.

Loaiza-Parra argues that the sentences are substantively unreasonable in light of his difficult history and circumstances, and other mitigating factors. The district court did not abuse its discretion in imposing Loaiza-Parra's sentences. *See Gall v. United States*, 552 U.S. 38, 51 (2007). The within-Guidelines sentences are substantively reasonable in light of the applicable 18 U.S.C. § 3553(a) sentencing factors and the totality of the circumstances, including Loaiza-Parra's extensive criminal and immigration history. *See Gall*, 552 U.S. at 51; *United States v. Gutierrez-Sanchez*, 587 F.3d 904, 908 (9th Cir. 2009) ("The weight to be given the various factors in a particular case is for the discretion of the district court.").

AFFIRMED.