

DEC 16 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NOT FOR PUBLICATION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.

GROSBIN MARTINEZ-GEORGE,

Defendant - Appellant.

No. 14-50429

D.C. No. 3:14-cr-00843-LAB

MEMORANDUM*

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

Submitted December 9, 2015**

Before: WALLACE, RAWLINSON, and IKUTA, Circuit Judges.

Grosbin Martinez-George appeals from the district court's judgment and challenges the 36-month sentence imposed following his guilty-plea conviction for being a removed alien found in the United States, in violation of 8 U.S.C. § 1326.

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).

Martinez-George argues that his sentence is substantively unreasonable in light of his alleged cultural assimilation, the disparity that resulted from the district court's denial of the fast-track departure under U.S.S.G. § 5K3.1, the court's imposition of supervised release, and the fact that he will be subject to deportation after his release from custody. The district court did not abuse its discretion in imposing Martinez-George's sentence. *See Gall v. United States*, 552 U.S. 38, 51 (2007). The sentence is substantively reasonable in light of the 18 U.S.C. § 3553(a) sentencing factors and the totality of the circumstances, including Martinez-George's criminal and immigration history and the 28-month sentence imposed on his prior conviction for illegal reentry. *See Gall*, 552 U.S. at 51.

AFFIRMED.