

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

NOV 23 2015

FOR THE NINTH CIRCUIT

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

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

SEBASTIAN QUINTO-PARTIDO,

Defendant - Appellant.

No. 15-10065

D.C. No. 2:14-cr-00171-JAD

MEMORANDUM*

Appeal from the United States District Court
for the District of Nevada
Jennifer A. Dorsey, District Judge, Presiding

Submitted November 18, 2015**

Before: TASHIMA, OWENS, and FRIEDLAND, Circuit Judges.

Sebastian Quinto-Partido appeals from the district court's judgment and challenges the 30-month custodial sentence and three-year term of supervised release imposed following his guilty-plea conviction for being a deported alien found in unlawfully the United States, in violation of 8 U.S.C. § 1326. We have

* 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).

jurisdiction under 28 U.S.C. § 1291, and we affirm.

Quinto-Partido contends that the custodial sentence and three-year term of supervised release are substantively unreasonable. The district court did not abuse its discretion in imposing Quinto-Partido's sentence. *See Gall v. United States*, 552 U.S. 38, 51 (2007). The low-end custodial sentence and term of supervised release are substantively reasonable in light of the 18 U.S.C. § 3553(a) sentencing factors and the totality of the circumstances, including Quinto-Partido's extensive immigration history and the need for adequate deterrence. *See* U.S.S.G. § 5D1.1 cmt. n.5 (supervised release term for a deportable alien is appropriate if it would provide added measure of deterrence); *Gall*, 552 U.S. at 51.

AFFIRMED.