

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

SEP 1 2015

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

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

ERASMO VILLA-SOSA,

Defendant - Appellant.

No. 15-50194

D.C. No. 3:15-cr-00529-LAB

MEMORANDUM*

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

Submitted August 25, 2015**

Before: McKEOWN, CLIFTON, and HURWITZ, Circuit Judges.

Erasmio Villa-Sosa appeals from the district court's judgment and challenges the 12-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).

Villa-Sosa contends that the district court erred by failing to address the alleged sentencing disparity created by its determination that a two-level, rather than a four-level, fast-track departure was warranted under U.S.S.G. § 5K3.1. We review for plain error, *see United States v. Valencia-Barragan*, 608 F.3d 1103, 1108 (9th Cir. 2010), and find none. The district court sufficiently explained the sentence; it was not required to “tick off” each of the 18 U.S.C. § 3553(a) sentencing factors. *See United States v. Carty*, 520 F.3d 984, 992 (9th Cir. 2008) (en banc). Moreover, Villa-Sosa’s sentence is substantively reasonable in light of the section 3553(a) sentencing factors and the totality of the circumstances, including Villa-Sosa’s immigration history. *See Gall v. United States*, 552 U.S. 38, 51 (2007).

AFFIRMED.