

AUG 02 2016

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NOT FOR PUBLICATION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.

ALFREDO SANCHEZ,

Defendant - Appellant.

No. 15-50351

D.C. No. 3:15-cr-00877-BEN

MEMORANDUM*

Appeal from the United States District Court
for the Southern District of California
Roger T. Benitez, District Judge, Presiding

Submitted July 26, 2016**

Before: SCHROEDER, CANBY, and CALLAHAN, Circuit Judges.

Alfredo Sanchez appeals from the district court's judgment and challenges the 36-month sentence imposed following his guilty plea conviction for making a false statement in application and use of a United States passport, in violation of 18 U.S.C. § 1542. 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).

Sanchez contends that the district court procedurally erred by basing the sentence on clearly erroneous facts, namely that Sanchez had been previously removed on two occasions. Even assuming that Sanchez is correct that the district court clearly erred by finding that Sanchez had been removed on two prior occasions, the record reflects that the sentence was not based on that finding. *See United States v. Carty*, 520 F.3d 984, 993 (9th Cir. 2008) (en banc) (“It would be procedural error for a district court to . . . choose a sentence based on clearly erroneous facts”).

Sanchez next contends that the district court procedurally erred by failing to respond to his mitigating argument regarding his motivation for committing the instant offense. Because Sanchez failed to raise this specific objection before the district court, we review for plain error, *see United States v. Valencia-Barragan*, 608 F.3d 1103, 1108 (9th Cir. 2010), and find none. The record reflects that the district court considered Sanchez’s mitigating argument and adequately explained the sentence. *See United States v. Ruiz-Apolonio*, 657 F.3d 907, 920 (9th Cir. 2011) (“The district court is not required to provide a detailed explanation as to each of its reasons for rejecting every argument made by counsel.”).

AFFIRMED.