

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

OCT 29 2018

FOR THE NINTH CIRCUIT

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

UNITED STATES OF AMERICA,

No. 17-50059

Plaintiff-Appellee,

D.C. No. 3:14-cr-03594-BEN

v.

MEMORANDUM*

ERNESTO ERDING, a.k.a. Ernie,

Defendant-Appellant.

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

Submitted October 22, 2018**

Before: SILVERMAN, GRABER, and GOULD, Circuit Judges

Ernesto Erding appeals from the district court's judgment and challenges the 151-month sentence imposed following his guilty-plea conviction for conspiracy to distribute a controlled substance in violation of 21 U.S.C. §§ 841(a)(1) and 846.

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 Ninth Circuit Rule 36-3.

** The panel unanimously concludes this case is suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

Erding contends that his sentence is substantively unreasonable. The district court did not abuse its discretion when it imposed Erding's sentence. *See Gall v. United States*, 552 U.S. 38, 51 (2007). The within-Guidelines sentence is substantively reasonable in light of the 18 U.S.C. § 3553(a) sentencing factors and the totality of the circumstances, including Erding's aggravated role in the methamphetamine operation and the need to avoid sentencing disparities. *See Gall*, 552 U.S. at 51.

AFFIRMED.