

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

JAN 14 2020

FOR THE NINTH CIRCUIT

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

UNITED STATES OF AMERICA,

No. 18-50429

Plaintiff-Appellee,

D.C. No. 3:18-cr-03160-LAB-1

v.

MEMORANDUM*

GUADALUPE BELTRAN-ARAIZA,

Defendant-Appellant.

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

Submitted January 8, 2020**

Before: CALLAHAN, NGUYEN, and HURWITZ, Circuit Judges.

Guadalupe Beltran-Araiza appeals from the district court's judgment and challenges the 48-month sentence imposed following his guilty-plea conviction for attempted reentry of a removed alien, 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 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).

Beltran-Araiza argues that his sentence is substantively unreasonable in light of his familial obligations, his employment history, the allegedly non-violent nature of his criminal history, and his expectation that he would receive a more substantial fast-track departure. The district court did not abuse its discretion. *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 Beltran-Araiza's significant criminal and immigration history and his failure to be deterred by prior sentences for illegal reentry. *See United States v. Rosales-Gonzales*, 801 F.3d 1177, 1184 (9th Cir. 2015). Moreover, Beltran-Araiza has not shown that his sentence creates an unwarranted sentencing disparity with any similarly situated defendant. *See United States v. Carter*, 560 F.3d 1107, 1121 (9th Cir. 2009).

AFFIRMED.