

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

DEC 18 2023

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

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

v.

CESAR ORENDO MOLINA MUNOZ,
AKA Miguel Alcoba, AKA Cesar Castillo
Munoz, AKA Kevin Estuardo Molina, AKA
Cezar Orenso Molina Munoz, AKA Cesar
Munoz, AKA Kevin Noriega,

Defendant-Appellant.

No. 23-50033

D.C. No. 2:21-cr-00509-MCS-1

MEMORANDUM*

Appeal from the United States District Court
for the Central District of California
Mark C. Scarsi, District Judge, Presiding

Submitted December 12, 2023**

Before: WALLACE, LEE, and BUMATAY, Circuit Judges.

Cesar Orenso Molino Munoz appeals from the district court's judgment and challenges the 18-month sentence imposed following his guilty-plea conviction for

* 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).

wire fraud, in violation of 18 U.S.C. § 1343. We have jurisdiction under 28 U.S.C. § 1291, and we affirm.

Munoz contends that the district court failed to address sufficiently the 18 U.S.C. § 3553(a) factors and his mitigating arguments and failed to explain adequately its sentencing decision. The district court did not plainly err. *See United States v. Valencia-Barragan*, 608 F.3d 1103, 1108 (9th Cir. 2010). The court fully considered the § 3553(a) factors and Munoz's arguments, and highlighted those factors most relevant to its decision, including the seriousness of the offense and the need to protect the public. The court offered sufficient explanation to allow meaningful appellate review. *See United States v. Carty*, 520 F.3d 984, 992 (9th Cir. 2008) (en banc). Contrary to Munoz's contention, the court did not rely on any clearly erroneous fact.

Munoz also contends that his sentence is substantively unreasonable given the need to avoid unwarranted sentencing disparities and his traumatic personal history, among other mitigating factors. The court did not abuse its discretion. *See Gall v. United States*, 552 U.S. 38, 51 (2007). The above-Guidelines sentence is substantively reasonable under the § 3553(a) factors and the totality of the circumstances, including the serious nature of the offense and the vulnerability of Munoz's victim. *See Gall*, 552 U.S. at 51.

AFFIRMED.