

APR 29 2008

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NOT FOR PUBLICATION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.

BENITO COHETZALTITLA-PONCE,
aka Valentin Aguilar-Gonzalez,

Defendant - Appellant.

No. 07-30178

D.C. No. CR-06-02194-RHW

MEMORANDUM*

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

BENITO COHETZALTITLA-PONCE,
aka Valentin Aguilar-Gonzalez,

Defendant - Appellant.

No. 07-30244

D.C. No. CR-02-02005-RHW

Appeal from the United States District Court
for the Eastern District of Washington

* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

Robert H. Whaley, District Judge, Presiding

Submitted April 22, 2008**

Before: GRABER, FISHER, and BERZON, Circuit Judges.

In these consolidated appeals, Benito Cohetzaltitla-Ponce appeals from the 27-month sentence imposed following his guilty-plea conviction for being an alien in the United States after deportation in violation of 8 U.S.C. § 1326, and from the 18-month sentence imposed consecutively following revocation of supervised release. We have jurisdiction pursuant to 28 U.S.C. § 1291, and we affirm.

Cohetzaltitla-Ponce contends that both sentences are unreasonable because the district court failed to properly consider his extensive cultural assimilation. We conclude that the district court considered Cohetzaltitla-Ponce's cultural assimilation argument and did not commit any procedural error and that the sentences are reasonable. *See United States v. Carty*, Nos. 05-10200, 05-30120, 2008 WL 763770, at *4-8 (9th Cir. Mar. 24, 2008) (en banc); *see also United States v. Miqbel*, 444 F.3d 1173, 1176 n.5 (9th Cir. 2006); *United States v. Mohamed*, 459 F.3d 979, 986 (9th Cir. 2006).

AFFIRMED.

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