

JAN 28 2008

CATHY A. CATTERSON, 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NOT FOR PUBLICATION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.

JOSE MANUEL ARECHIGA-GIL,

Defendant - Appellant.

No. 07-30135

D.C. No. CR-06-00450-001-TSZ

MEMORANDUM*

Appeal from the United States District Court
for the Western District of Washington
Thomas S. Zilly, District Judge, Presiding

Submitted January 14, 2008**

Before: HALL, O'SCANNLAIN, and PAEZ, Circuit Judges.

Jose Manuel Arechiga-Gil appeals from the 30-month sentence imposed following his guilty-plea conviction for unlawful entry by eluding examination and

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

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

inspection by immigration officers in violation of 8 U.S.C. § 1325(a)(2). We have jurisdiction pursuant to 28 U.S.C. § 1291, and we affirm the district court.

Arechiga-Gil contends that his sentence was unreasonable because the district court refused to grant fast-track reductions, creating an unwarranted sentencing disparity between him and other defendants with similar records in the Western District of Washington. We conclude that Arechiga-Gil's sentence is not unreasonable in light of the district court's consideration of the factors contained in 18 U.S.C. § 3553(a), including the need to avoid unwarranted sentencing disparities. *See Booker v. United States*, 543 U.S. 220, 261 (2005); *see also Gall v. United States*, 128 S. Ct. 586, 597-98 (2007).

AFFIRMED.