

MAR 27 2008

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

RUBEN RAMIREZ-GAMIZ, aka Ruben  
Ramirez-Gamez,

Defendant - Appellant.

No. 06-10454

D.C. No. CR-05-01459-FRZ

MEMORANDUM\*

Appeal from the United States District Court  
for the District of Arizona  
Frank R. Zapata, District Judge, Presiding

Submitted March 18, 2008\*\*

Before: CANBY, T.G. NELSON, and BEA, Circuit Judges.

Ruben Ramirez-Gamiz appeals from the 70-month sentence imposed following his guilty-plea conviction for attempted re-entry after deportation, in

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\* 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).

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violation of 8 U.S.C. § 1326(a). We have jurisdiction pursuant to 28 U.S.C. § 1291, and we affirm.

Ramirez-Gamiz contends that the district court erred at sentencing by: (i) double-counting his criminal history; (ii) failing to consider the mitigating factors he presented; and (iii) failing to explain why those mitigating factors did not warrant a below-Guidelines sentence. We conclude that the district court did not commit procedural error and that Ramirez-Gamiz's sentence is substantively reasonable. *See Gall v. United States*, 128 S. Ct. 586, 598-600 (2007); *Rita v. United States*, 127 S. Ct. 2456, 2468-69 (9th Cir. 2007); *see also United States v. Perez-Perez*, 512 F.3d 514, 516-17 (9th Cir. 2008).

**AFFIRMED.**