

MAR 11 2008

MOLLY DWYER, ACTING 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NOT FOR PUBLICATION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.

MANUEL PEREZ-LOPEZ, aka Eduardo  
Medina-Elenes,

Defendant - Appellant.

No. 06-10694

D.C. No. CR-05-00992-ROS

MEMORANDUM\*

Appeal from the United States District Court  
for the District of Arizona  
Roslyn O. Silver, District Judge, Presiding

Submitted February 26, 2008\*\*

Before: BEEZER, FERNANDEZ, and McKEOWN, Circuit Judges.

Manuel Perez-Lopez appeals from the 37 month sentence imposed following his jury-trial conviction for re-entry after deportation, in violation of

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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).

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

Perez-Lopez contends that the district court erred by denying a two-level downward adjustment for acceptance of responsibility pursuant to U.S.S.G. § 3E1.1(a). We conclude that the district court did not clearly err. *See* U.S.S.G. § 3E1.1 cmt. n. 1-2 (2006); *see also United States v. Magana-Guerrero*, 80 F.3d 398, 402 (9th Cir. 1996) (“Lying with the hope of avoiding a degree of culpability or punishment is the very antithesis of acceptance of responsibility.”)

Perez-Lopez also contends that the within-Guidelines range sentence imposed was unreasonable because it failed to account for the age of the prior conviction used to enhance his base offense level under U.S.S.G.

§ 2L1.2(b)(1)(B). We conclude that the sentence imposed is reasonable. *See United States v. Gall*, 128 S. Ct. 586, 594 (2007).

**AFFIRMED.**