

JAN 18 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NOT FOR PUBLICATION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.

JULIO SANDOVAL-LEYVA,

Defendant - Appellant.

No. 05-10531

D.C. No. CR-04-05384-FRZ

MEMORANDUM\*

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

Submitted January 14, 2008\*\*

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

Julio Sandoval-Leyva appeals from his 41-month sentence imposed following a guilty plea to illegal reentry after deportation, in violation of 8 U.S.C. § 1326. We have jurisdiction pursuant to 28 U.S.C. § 1291, and we affirm.

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

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

Sandoval-Leyva contends that his sentence is unreasonable under *United States v. Booker*, 543 U.S. 220 (2005), because the district court failed to expressly discuss all of Sandoval-Leyva's mitigation contentions under 18 U.S.C. § 3553(a). However, the record reflects that the district court listened to the parties' arguments and considered the § 3553(a) factors in a reasoned manner, imposing a sentence at the low end of the applicable Guidelines range. *See Rita v. United States*, 127 S. Ct. 2456, 2468-70 (2007). We conclude that Sandoval-Leyva's sentence is not unreasonable. *See Gall v. United States*, 128 S. Ct. 586, 597-98 (2007).

**AFFIRMED.**