

JAN 24 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NOT FOR PUBLICATION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 SALAS-CARDENAS,

Defendant - Appellant.

No. 07-30073

D.C. No. CR-06-00093-JDS

MEMORANDUM*

Appeal from the United States District Court
for the District of Montana
Jack D. Shanstrom, Senior District Judge, Presiding

Submitted January 14, 2008**

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

Jose Manuel Salas-Cardenas appeals from the 46-month sentence imposed following his guilty-plea conviction for re-entry of a deported alien, in violation of

* 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.

Salas-Cardenas contends that his sentence is unreasonable because the district court failed to properly consider the factors contained in 18 U.S.C. § 3553(a). We disagree. The district court explicitly cited to § 3553(a), received and reviewed the defendant's sentencing memorandum, heard argument from both parties at the sentencing hearing, and articulated its reasoning to the degree required for meaningful appellate review. *See Rita v. United States*, 127 S. Ct. 2456, 2469 (2007); *United States v. Perez-Perez*, No. 06-30341, 2008 WL 53664, at *1-2 (9th Cir. Jan. 4, 2008) (as amended). We conclude that Salas-Cardenas's sentence is not unreasonable. *See Gall v. United States*, 128 S. Ct. 586, 602 (2007).

AFFIRMED.