

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

FILED

MAY 02 2008

MOLLY C. DWYER, CLERK  
U.S. COURT OF APPEALS

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

SEBASTIAN RODRIGUEZ-CARRILLO,  
aka: Alberto Rosas-Juarez Jose Reyes,  
Jose Herrera, Miguel Angel Solorzano,  
Jose Roberto Rosas,

Defendant - Appellant.

No. 07-30376

D.C. No. CR-07-00093-BLW

MEMORANDUM\*

Appeal from the United States District Court  
for the District of Idaho  
B. Lynn Winmill, District Judge, Presiding

Submitted April 22, 2008\*\*

Before: GRABER, FISHER, and BERZON, Circuit Judges.

Sebastian Rodriguez-Carrillo appeals from his 87-month sentence imposed

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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).

following his guilty-plea conviction for illegal re-entry after deportation, in violation of 8 U.S.C. § 1326. We have jurisdiction pursuant to 28 U.S.C. § 1291, and we affirm.

Rodriguez-Carrillo contends that the district court disregarded the sentencing factors under 18 U.S.C. § 3553(a). We conclude that the district court did not commit procedural error. *See Gall v. United States*, 128 S. Ct. 586, 598-599 (2007).

Rodriguez-Carrillo also contends that his sentence is unreasonable in that it is greater than necessary to accomplish the sentencing goals set forth under 18 U.S.C. § 3553(a). We conclude that the sentence is not substantively unreasonable in light of the factors contained in 18 U.S.C. § 3553(a). *See id.* at 600-602; *see also United States v. Carty*, Nos. 05-10200, 05-30120, 2008 WL 763770, at \*7-8 (9th Cir. Mar. 24, 2008) (en banc).

**AFFIRMED.**