

JUL 31 2008

MOLLY C. DWYER, 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NOT FOR PUBLICATION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 OCTAVIO QUINTERO-  
VALENZUELA, a.k.a. Jose Quintero,

Defendant - Appellant.

No. 07-10523

D.C. No. CR-05-02306-RCC

MEMORANDUM\*

Appeal from the United States District Court  
for the District of Arizona  
Raner C. Collins, District Judge, Presiding

Submitted July 22, 2008\*\*

Before: B. FLETCHER, THOMAS, and WARDLAW, Circuit Judges.

Jose Octavio Quintero-Valenzuela appeals from his 77-month sentence imposed following his guilty-plea conviction for attempted illegal re-entry after

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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).

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

Quintero-Valenzuela contends that the district court erred by presuming the sentencing guidelines to be reasonable and by failing to make an individualized assessment under the factors set forth in 18 U.S.C. § 3553(a) or provide a reasoned explanation for the sentence imposed. He also contends that his sentence is substantively unreasonable. We conclude that Quintero-Valenzuela has not shown that the district court procedurally erred or that his sentence is substantively unreasonable. *See Gall v. United States*, 128 S. Ct. 586, 591, 598-602 (2007); *United States v. Carty*, 520 F.3d 984, 993-96 (9th Cir. 2008) (en banc).

**AFFIRMED.**