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**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NOT FOR PUBLICATION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.

FRANCISCO JAVIER MARTINEZ-
MARTINEZ,

Defendant - Appellant.

No. 06-10662

D.C. No. CR-05-02179-JMR

MEMORANDUM*

Appeal from the United States District Court
for the District of Arizona
John M. Roll, District Judge, Presiding

Submitted October 22, 2007**

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

Francisco Javier Martinez-Martinez appeals from his 41-month sentence imposed following his guilty-plea conviction for being an illegal alien found in the United States following deportation, in violation of 8 U.S.C. § 1326(a) and

* 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).

enhanced by (b)(2). We have jurisdiction pursuant to 28 U.S.C. § 1291, and we affirm.

Martinez-Martinez's contention, that the district court's sentence was unreasonable because it failed to take into account local sentencing disparities, is belied by the record. In addition, his sentence was not unreasonable. *See United States v. Knows His Gun*, 438 F.3d 913, 918 (9th Cir.), *cert. denied*, 126 S. Ct. 2913 (2006), *see also United States v. Marcial-Santiago*, 447 F.3d 715, 719 (9th Cir. 2006).

AFFIRMED.