

JAN 22 2009

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NOT FOR PUBLICATION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.

ISIDRO GIOVANNI RESTREPO-
PEREZ,

Defendant - Appellant.

No. 08-10189

D.C. No. 2:07-cr-01311-EHC-1

MEMORANDUM*

Appeal from the United States District Court
for the District of Arizona
Earl H. Carroll, District Judge, Presiding

Submitted January 13, 2009**

Before: O'SCANNLAIN, BYBEE, and CALLAHAN, Circuit Judges.

Isidro Giovanni Restrepo-Perez appeals from the 15-month sentence imposed following his guilty-plea conviction for illegal reentry after deportation, in

* 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).

violation of 8 U.S.C. § 1326. We have jurisdiction under 28 U.S.C. § 1291, and we affirm the district court.

Restrepo-Perez contends that his sentence is unreasonable because the district court placed undue emphasis on the advisory Sentencing Guidelines, failed to undertake an independent sentencing analysis, and did not adequately explain its reasons for rejecting his request for a downward departure or variance. These contentions lack merit. *See United States v. Blixt*, 548 F.3d 882, 891 n.4 (9th Cir. 2008); *see also United States v. Carty*, 520 F.3d 984, 994-95 (9th Cir. 2008) (en banc).

AFFIRMED.