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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

UNITED STATES OF AMERICA, Plaintiff - Appellee, v. CLARISA CEBALLOS-GUTIERREZ, a.k.a. Clarissa Ceballos- Gutierrez, Defendant - Appellant.	No. 08-10060 D.C. No. CR-07-01343-DCB MEMORANDUM*

Appeal from the United States District Court
for the District of Arizona
David C. Bury, District Judge, Presiding

Submitted January 13, 2009**

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

Clarisa Ceballos-Gutierrez appeals from the 46-month sentence imposed following her guilty-plea conviction for illegal re-entry after deportation, in

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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).

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

Ceballos-Gutierrez contends that the district court erred by: (1) failing to consider her arguments that a lower sentence was warranted in light of her extraordinary family ties and responsibilities; (2) failing to consider the 18 U.S.C. § 3553(a) factors; and (3) failing to adequately explain the sentence selected. These contentions are belied by the record which reflects that the district court did not commit any of these procedural errors. *See United States v. Carty*, 520 F.3d 984, 991-93 (9th Cir. 2008) (en banc).

Ceballos-Gutierrez also contends, for the first time on appeal, that the district court procedurally erred by treating the Sentencing Guidelines as presumptively reasonable. We conclude that Ceballos-Gutierrez has not shown "a reasonable probability that [she] would have received a different sentence" but for any error, and that she, therefore, is not entitled to any relief. *See United States v. Dallman*, 533 F.3d 755, 762 (9th Cir. 2008).

Finally, contrary to Ceballos-Gutierrez's contention, we conclude that her sentence, at the low-end of the applicable Guidelines range, is substantively reasonable in light of the totality of the circumstances. *See Carty*, 520 F.3d at 993.

AFFIRMED.