

[DO NOT PUBLISH]

IN THE UNITED STATES COURT OF APPEALS

FOR THE ELEVENTH CIRCUIT

No. 10-12385
Non-Argument Calendar

FILED U.S. COURT OF APPEALS ELEVENTH CIRCUIT SEPTEMBER 30, 2010 JOHN LEY CLERK

D.C. Docket No. 0:08-cr-60313-WJZ-1

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

CARLOS AGUILAR,

Defendant-Appellant.

Appeal from the United States District Court
for the Southern District of Florida

(September 30, 2010)

Before EDMONDSON, BARKETT and MARTIN, Circuit Judges.

PER CURIAM:

Carlos Aguilar appeals his 12-month, low-end guidelines sentence imposed after he pled guilty to being an unlawfully present alien in possession of a firearm,

in violation of 18 U.S.C. § 922(g)(5). On appeal, Aguilar argues that his sentence is procedurally unreasonable because, in ordering his sentence to run consecutively to an undischarged term of imprisonment in New York state court, the district court did not consider the relevant factors in 18 U.S.C. § 3553(a) or U.S.S.G. § 5G1.3. Aguilar also argues that his sentence is substantively unreasonable because it is longer than necessary to achieve the statutory purposes of sentencing, as outlined in § 3553(a).

Having reviewed the record, we find that the district court stated that it considered the statutory factors, the presentence investigation report, and the statements by the parties, all of which provided the court with the relevant information outlined in 18 U.S.C. § 3553(a) and U.S.S.G. § 5G1.3. It is apparent that the district court considered the relevant factors and parties' arguments and no procedural error occurred. We cannot say that the district court's rationale for the sentence imposed is legally insufficient or that there is clear error in judgment in the court's weighing of the § 3553(a) factors to arrive at a low-end guidelines sentence of 12 months' imprisonment.

AFFIRMED.