

[DO NOT PUBLISH]

IN THE UNITED STATES COURT OF APPEALS

FOR THE ELEVENTH CIRCUIT

No. 10-12809
Non-Argument Calendar

FILED U.S. COURT OF APPEALS ELEVENTH CIRCUIT JAN 04, 2011 JOHN LEY CLERK

D.C. Docket No. 1:09-cr-00485-RWS-LTW-1

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

JAVIER ROJAS-RAMIREZ,

Defendant-Appellant.

Appeal from the United States District Court
for the Northern District of Georgia

(January 4, 2011)

Before BLACK, HULL and MARTIN, Circuit Judges.

PER CURIAM:

Javier Rojas-Ramirez appeals his 57-month sentence imposed after he pleaded guilty to illegally re-entering the United States after deportation in violation of 8 U.S.C. § 1326(a). Rojas-Ramirez argues his bottom-of-the-Guidelines-range sentence is substantively unreasonable because the sentence overstates his criminal history and overemphasizes his negative personal characteristics. After review, we affirm Rojas-Ramirez's sentence.¹

Rojas-Ramirez fails to demonstrate his sentence is substantively unreasonable in light of the record and the § 3553(a) factors. In fashioning the sentence, the district court stressed Rojas-Ramirez's recidivist violation of U.S. immigration law, Rojas-Ramirez's violence toward his family, and the need for a "serious penalty" to deter repetitious violation of the U.S. immigration laws. Rojas-Ramirez has entered the United States illegally at least three times in the past 30 years and has been deported twice. The 57-month sentence occupies the bottom of the applicable Guidelines range of 57 to 71 months, and we ordinarily expect such a sentence to be reasonable. *See United States v. Talley*, 431 F.3d 784, 788 (11th Cir. 2005). Because Rojas-Ramirez's sentence is supported by the

¹We review a final sentence imposed by the district court for reasonableness. *United States v. Winingear*, 422 F.3d 1241, 1245 (11th Cir. 2005). Reasonableness review is akin to the deferential abuse-of-discretion standard. *Gall v. United States*, 552 U.S. 38, 41 (2007).

§ 3553(a) factors, the district court did not abuse its discretion in sentencing Rojas-Ramirez to 57 months' imprisonment.

AFFIRMED.