

[DO NOT PUBLISH]

IN THE UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT

No. 12-12309
Non-Argument Calendar

D.C. Docket No. 8:11-cr-00131-SDM-EAJ-1

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

FELICIANO ROJAS-BARRON,
a.k.a. Felix Rojas,

Defendant-Appellant.

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

(March 18, 2013)

Before MARCUS, PRYOR and KRAVITCH, Circuit Judges.

PER CURIAM:

Feliciano Rojas-Barron appeals his sentence of 24 months of imprisonment following his pleas of guilty to reentering the United States illegally after

deportation, 8 U.S.C. § 1326(a), (b)(2), and unlawful entry by an alien, id. § 1325(a)(1). Rojas-Barron argues, for the first time on appeal, that his sentence is procedurally unreasonable because the district court elicited an opinion about its proposed sentence from the government. We affirm.

The district court did not plainly err. A district court is expected, in fashioning an appropriate sentence, to “allow both parties to present arguments as to what they believe[] the appropriate sentence should be.” Gall v. United States, 552 U.S. 38, 53, 128 S. Ct. 586, 598 (2007). After the district court proposed to sentence Rojas-Barron to a term of imprisonment below the advisory guideline range that would run consecutive to a sentence imposed by a state court, the court reasonably elicited the opinion of the government about the proposed sentence. Rojas-Barron argues that the district court “sought to mete out a sentence that was agreeable to the government” and treated the opinion of the government as a sentencing factor, but the district court explained that it selected a sentence that “recognize[d] the existence of a significant state sentence[,] . . . the extent to which . . . service of that sentence contribute[d] to the satisfaction of the statutory purposes of sentencing[,] . . . and also . . . recogni[z]ed . . . [the] transgression of . . . distinct federal interests.”

We **AFFIRM** Rojas-Barron’s sentence.