

United States Court of Appeals For the First Circuit

Nos. 19-1670
19-1672

UNITED STATES,

Appellee,

v.

ANGEL VAZQUEZ-FIGUEROA,

Defendant - Appellant.

Before

Lynch, Kayatta and Montecalvo,
Circuit Judges.

JUDGMENT

Entered: December 22, 2022

Defendant-appellant Angel Vazquez-Figueroa appeals the district court's imposition, following his guilty pleas, of a total sentence of 199 months' incarceration, which reflected a within-Guidelines sentence of 115 months on Vazquez-Figueroa's two convictions under 18 U.S.C. § 1951 and a statutory mandatory minimum consecutive sentence of eighty-four months on Vazquez-Figueroa's conviction under 18 U.S.C. § 924(c) for brandishing a firearm. Vazquez-Figueroa challenges the sentence as procedurally and substantively unreasonable. We review Vazquez-Figueroa's procedural reasonableness challenge for plain error, United States v. Ruiz-Huertas, 792 F.3d 223, 226 (1st Cir. 2015), and his substantive reasonableness claim for abuse of discretion, see United States v. Garcia-Mojica, 955 F.3d 187, 194 (1st Cir. 2020) (citing Holguin-Hernandez v. United States, -- U.S. --, 140 S. Ct. 762, 766-67 (2020)).

Assuming, without deciding, that Vazquez-Figueroa has not waived the claim and having carefully considered each of the procedural-reasonableness points raised in Vazquez-Figueroa's appellate brief, we discern no plain error. See United States v. Pabon, 819 F.3d 26, 33 (1st Cir. 2016) (finding waiver where defendant failed to address elements of plain error review in briefing). The district court expressly referenced and analyzed the 18 U.S.C. § 3553(a) factors and explained why it was imposing the sentence in light of those factors. See United States v. Flores-Quinones,

985 F.3d 128, 134 & n.4 (1st Cir. 2021) (no procedural error where district court expressly referenced and analyzed the § 3553(a) factors).

We also conclude that the district court's sentence was substantively reasonable under the circumstances and that the district court provided a "plausible sentencing rationale" and reached a "defensible result." See United States v. Gomera-Rodriguez, 952 F.3d 15, 20 (1st Cir. 2020) ("Challenging a sentence as substantively unreasonable is a burdensome task in any case, and one that is even more burdensome where, as here, the challenged sentence is within a properly calculated GSR.") (internal quotations omitted).

Affirmed. See 1st Cir. R. 27.0(c).

By the Court:

Maria R. Hamilton, Clerk

cc:

Luis Angel Guzman-Dupont
Angel Vazquez-Figueroa
Julia Meconiates
Mariana E. Bauza Almonte
Cesar S. Rivera-Giraud