

SEP 07 2010

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>UNITED STATES OF AMERICA,</p> <p>Plaintiff - Appellee,</p> <p>v.</p> <p>ALEX CONTRERAS,</p> <p>Defendant - Appellant.</p>
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No. 08-30213

D.C. No. 3:01-cr-00151-JWS

MEMORANDUM*

Appeal from the United States District Court
for the District of Alaska
John W. Sedwick, District Judge, Presiding

Submitted August 23, 2010**

Before: LEAVY, HAWKINS, and THOMAS, Circuit Judges.

Alex Contreras appeals from the district court’s order granting his 18 U.S.C. § 3582(c)(2) motion for sentence reduction. We have jurisdiction under 28 U.S.C. § 1291, and we affirm.

Contreras contends that the district court erred when it failed to hold a

* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

** The panel unanimously concludes this case is suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

resentencing hearing governed by *United States v. Booker*, 543 U.S. 220 (2005), when ruling on his § 3582(c)(2) motion. This contention is foreclosed. *See Dillon v. United States*, 130 S. Ct. 2683, 2690-92 (2010); Fed. R. Crim. P. 43(b)(4).

Contreras also contends that the district court erred by failing to correct a mistake in his original sentence when ruling on the § 3582(c)(2) motion. As a general rule, this court does not consider an issue raised for the first time on appeal. *See United States v. Robinson*, 20 F.3d 1030, 1032 (9th Cir. 1994).

AFFIRMED.