

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NOT FOR PUBLICATION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>FELIPE ALMANZA,</p> <p>Defendant - Appellant.</p>
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No. 09-10036

D.C. No. 2:92-cr-00277-DAE

MEMORANDUM*

Appeal from the United States District Court
for the District of Nevada
David A. Ezra, District Judge, Presiding

Submitted August 23, 2010**

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

Felipe Almanza 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.

Almanza contends that the district court erred by imposing a substantively

* 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).

unreasonable sentence, failing to consider all the 18 U.S.C. § 3553(a) factors to impose an individualized sentence, and treating the Sentencing Guidelines as mandatory. These contentions are foreclosed. *See Dillon v. United States*, 130 S. Ct. 2683, 2691-93 (2010).

AFFIRMED.