

SEP 03 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NOT FOR PUBLICATION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>FAUSTINO CRESPIN,</p> <p>Defendant - Appellant.</p>
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No. 09-30312

D.C. No. 1:08-cr-00119-EJL

MEMORANDUM\*

Appeal from the United States District Court  
for the District of Idaho  
Edward J. Lodge, District Judge, Presiding

Submitted August 23, 2010\*\*

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

Faustino Crespin appeals from the 80-month sentence imposed following his guilty-plea conviction for malicious damage to a building by fire, in violation of 18 U.S.C. § 844(f)(1). We have jurisdiction under 28 U.S.C. § 1291, and we affirm.

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\* 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).

Crespin contends that the court failed to consider defendant-specific mitigating factors as part of its 18 U.S.C. § 3553(a) analysis, and that the sentence was greater than necessary to achieve the goals of sentencing. The record reflects that the district court carefully considered the 18 U.S.C. § 3553(a) sentencing factors, including Crespin's arguments in mitigation, and provided a well-reasoned and thorough explanation for the sentence imposed. The district court did not procedurally err, and the sentence is substantively reasonable under the totality of the circumstances. *See Gall v. United States*, 552 U.S. 38, 51 (2007); *see also United States v. Carty*, 520 F.3d 984, 993 (9th Cir. 2008) (en banc).

**AFFIRMED.**