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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

UNITED STATES OF AMERICA,

Plaintiff- Appellee,

v.

VINCENT DEAN MALICEK,

Defendant-Appellant.

No. 09-50139

D.C. 8:08-cr-00275-AHS-1

MEMORANDUM*

Appeal from the United States District Court
for the Central District of California
Alicemarie H. Stotler, Senior District Judge, Presiding

Submitted October 7, 2010**
Pasadena, California

Before: WARDLAW and W. FLETCHER, Circuit Judges, and LYNN, District
Judge.***

* 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).

*** The Honorable Barbara M. Lynn, United States District Judge for the
Northern District of Texas, sitting by designation.

Vincent Malicek appeals his conviction for armed robbery. We have jurisdiction under 28 U.S.C. § 1291, and we affirm.

Evidence of Malicek's unemployment, poor financial circumstances, child support arrearages, and failure to pay for drug testing was properly admitted to show a sudden and unexplained change in Malicek's financial circumstances in the days surrounding the robbery. *United States v. Mitchell*, 172 F.3d 1104, 1109 (9th Cir. 1999); *see also United States v. Jackson*, 882 F.2d 1444, 1450 (9th Cir. 1989).

AFFIRMED.