

SEP 02 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NOT FOR PUBLICATION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>EDUARDO AYON,</p> <p>Defendant - Appellant.</p>
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No. 10-50021

D.C. No. 3:06-cr-02162-BEN

MEMORANDUM*

Appeal from the United States District Court
for the Southern District of California
Roger T. Benitez, District Judge, Presiding

Submitted August 23, 2010**

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

Eduardo Ayon appeals from the 12-month sentence imposed following the revocation of his supervised release. We have jurisdiction under 28 U.S.C. § 1291, and we affirm.

* 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).

Ayon contends that the district court failed to adequately explain its sentence. The district court's explanation was sufficient and met the requirements of 18 U.S.C. § 3553(c)(2). *See United States v. Musa*, 220 F.3d 1096, 1101 (9th Cir. 2000).

Ayon also contends that the imposition of supervised release violates *Apprendi v. New Jersey*, 530 U.S. 466 (2000). This argument is foreclosed by *United States v. Santana*, 526 F.3d 1257, 1262 (9th Cir. 2008).

AFFIRMED.