

FILED

OCT 17 2017

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

v.

ISMAEL MAYA-PIZANO, AKA Ismael
Maya Pizano,

Defendant-Appellant.

No. 17-10130

D.C. No.
2:16-cr-00121-JAM-1

MEMORANDUM*

Appeal from the United States District Court
for the Eastern District of California
John A. Mendez, District Judge, Presiding

Submitted October 12, 2017**
San Francisco, California

Before: THOMAS, REINHARDT, and O'MALLEY,*** Circuit Judges.

* This disposition is not appropriate for publication and is not precedent except as provided by Ninth Circuit Rule 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 Kathleen M. O'Malley, United States Circuit Judge for the U.S. Court of Appeals for the Federal Circuit, sitting by designation.

Ismael Maya-Pizano appealed the district court's sentence prior to our decision in *United States v. Martinez-Lopez*, 864 F.3d 1034 (9th Cir. 2017). Maya-Pizano concedes that *Martinez-Lopez* forecloses his appeal. Accordingly, we affirm the sentence.

AFFIRMED.