

FEB 23 2011

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NOT FOR PUBLICATION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.

RENE LUNA-MARADIAGA, aka Rene
Antonio Luna-Maradiaga,

Defendant - Appellant.

Nos. 09-10452

09-10453

D.C. Nos. 4:08-cr-01066-DCB

4:08-cr-50090-DCB

MEMORANDUM*

Appeal from the United States District Court
for the District of Arizona
David C. Bury, District Judge, Presiding

Submitted February 15, 2011**

Before: CANBY, FERNANDEZ, and M. SMITH, Circuit Judges.

In these consolidated appeals, Rene Luna-Maradiaga appeals from the 92-month sentence imposed following his guilty-plea conviction for illegal re-entry after deportation, in violation of 8 U.S.C. § 1326, and from the 21-month sentence

* 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).

imposed upon revocation of supervised release. We have jurisdiction under 28 U.S.C. § 1291, and we affirm.

Luna-Maradiaga's sole argument on appeal is that the district court abused its discretion by denying his motion for a continuance of the sentencing and disposition hearing. The district court did not abuse its discretion, as it granted numerous other continuance requests and Luna-Maradiaga fails to demonstrate any prejudice arising from the denial. *See Ungar v. Sarafite*, 376 U.S. 575, 589 (1964); *United States v. Flynt*, 756 F.2d 1352, 1358 (9th Cir. 1985), amended by 764 F.2d 675 (9th Cir. 1985); *see also United States v. Wills*, 88 F.3d 704, 711 (9th Cir. 1996).

AFFIRMED.