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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NOT FOR PUBLICATION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 style="text-align: center;">Plaintiff - Appellee,</p> <p style="text-align: center;">v.</p> <p>VARDAN AGHEKYAN,</p> <p style="text-align: center;">Defendant - Appellant.</p>

No. 09-50442

D.C. No. 2:08-cr-01326-GHK

MEMORANDUM*

Appeal from the United States District Court
for the Central District of California
George H. King, District Judge, Presiding

Submitted November 16, 2010**

Before: TASHIMA, BERZON, and CLIFTON, Circuit Judges.

Vardan Aghekyan appeals from the below-guidelines, 27-month sentence imposed following his guilty-plea conviction to three counts of making a false statement to a federally-insured financial institution, in violation of 18 U.S.C. § 1014. 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).

Aghekyan contends that the district court violated his Sixth Amendment and due process rights by engaging in impermissible judicial fact-findings when calculating the applicable Sentencing Guidelines range. He further contends that his sentence is substantively unreasonable because it violates the parsimony principle by relying on judge-found facts.

Aghekyan's contentions are foreclosed by *United States v. Hickey*, 580 F.3d 922, 932 (9th Cir. 2009). Moreover, the record reflects that the district court did not procedurally err, and that Aghekyan's sentence is reasonable under the totality of the circumstances. *See United States v. Treadwell*, 593 F.3d 990, 1016-17 (9th Cir. 2010); *see also United States v. Carty*, 520 F.3d 984, 991-93 (9th Cir. 2008) (en banc).

Aghekyan's motion requesting self-representation is denied.

AFFIRMED.