

JAN 05 2011

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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NOT FOR PUBLICATION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.

ALEJANDRO SANCHEZ, a.k.a. Jose
Alfredo Jimenez-Manzanares, a.k.a.
Fernando Rodriguez-Masas,

Defendant - Appellant.

No. 10-50217

D.C. No. 3:08-cr-01182-JAH

MEMORANDUM*

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

Submitted December 14, 2010**

Before: GOODWIN, WALLACE, and CLIFTON, Circuit Judges.

Alejandro Sanchez appeals from the ten-month sentence imposed upon revocation of 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).

Sanchez contends that the district court procedurally erred by failing to: (1) calculate the advisory Guidelines range; (2) expressly address the relevant factors set forth in 18 U.S.C. § 3553(a) and 18 U.S.C. § 3583(e); and (3) explain the reasons for the sentence imposed. The record reflects that the district court did not procedurally err. *See United States v. Carty*, 520 F.3d 984, 991-93 (9th Cir. 2008) (en banc); *see also United States v. Valencia-Barragan*, 608 F.3d 1103, 1108 (9th Cir. 2010).

Sanchez next contends that the sentence is substantively unreasonable in light of his mitigating personal circumstances. The record reflects that the ten-month sentence is substantively reasonable in light of the totality of the circumstances. *See Gall v. United States*, 552 U.S. 38, 51-52 (2007).

Sanchez last contends that the revocation of supervised release requires impermissible judicial fact-finding that violates *Apprendi v. New Jersey*, 530 U.S. 466 (2000). As he concedes, this contention is foreclosed by *United States v. Huerta-Pimental*, 445 F.3d 1220 (9th Cir. 2006), and *United States v. Santana*, 526 F.3d 1257, 1262 (9th Cir. 2008).

AFFIRMED.