

DEC 29 2008

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NOT FOR PUBLICATION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.

BENJAMIN CANEZ,

Defendant - Appellant.

No. 07-10577

D.C. No. CR-98-00228-JMR

MEMORANDUM*

Appeal from the United States District Court
for the District of Arizona
John M. Roll, District Judge, Presiding

Submitted December 17, 2008**

Before: GOODWIN, WALLACE and RYMER, Circuit Judges.

Benjamin Canez appeals from the 25-month sentence imposed upon
revocation of supervised release. We have jurisdiction pursuant to 28 U.S.C.

* This disposition is not appropriate for publication and is not precedent
except as provided by 9th Cir. R. 36-3.

** The panel unanimously finds this case suitable for decision without oral
argument. See Fed. R. App. P. 34(a)(2).

§ 1291, and we affirm.

Canez contends that it was unreasonable for the district court to impose an above-Guidelines range sentence pursuant to the departure provision set forth in U.S.S.G. § 7B1.4 Application Note 3, and that the sentence is also unreasonable in light of the applicable 18 U.S.C. § 3553(a) factors. We conclude that the sentence is reasonable. *See United States v. Miqbel*, 444 F.3d 1173, 1176 (9th Cir. 2006); *United States v. Mohamed*, 459 F.3d 979, 986–87 (9th Cir. 2006).

AFFIRMED.