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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NOT FOR PUBLICATION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 - Appellant,</p> <p style="text-align: center;">v.</p> <p>MARIO GARCIA-CEBREROS,</p> <p style="text-align: center;">Defendant - Appellee.</p>

No. 06-30428

D.C. No. CR-05-00117-RHW

MEMORANDUM *

Appeal from the United States District Court
for the Eastern District of Washington
Robert H. Whaley, District Judge, Presiding

Submitted December 17, 2008**

Before: WALLACE, TROTT, and RYMER, Circuit Judges.

Mario Garcia-Cebreros appeals from the six-month sentence imposed upon revocation of supervised release. We have jurisdiction under 28 U.S.C. § 1291.

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

The district court did not commit procedural error in imposing sentence. *See United States v. Carty*, 520 F.3d 984, 993 (9th Cir. 2008) (en banc) (holding that, when reviewing a sentence, “we first consider whether the district court committed significant procedural error”); *see also United States v. Cope*, 527 F.3d 944, 950 (9th Cir. 2008) (applying reasonableness requirements to supervised release terms). The record makes clear that the district court recognized that the sentencing guidelines are advisory and not mandatory, and adequately considered the relevant factors under 28 U.S.C. § 3553(a) in imposing the below-guideline-range sentence. *See Carty*, 520 F.3d at 993.

The sentence imposed by the district court was substantively reasonable. *See id.* The district court imposed a sentence of six months, rather than the guidelines-range sentence of twelve months, based on its determination that six months was sufficient. Further, the district court ordered that this six-month sentence run *concurrent* to the sentence in Case No. CR-05-00126-RHW, rendering meritless Garcia-Cebreros’s argument that the district court erred in sentencing him to a six-month *consecutive* sentence.

AFFIRMED.