

JAN 22 2009

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>UNITED STATES OF AMERICA,</p> <p>Plaintiff - Appellee,</p> <p>v.</p> <p>DARLENE MERAZ,</p> <p>Defendant - Appellant.</p>

No. 08-50297

D.C. No. 3:07-cr-01303-LAB-1

MEMORANDUM*

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

Submitted January 13, 2009*

Before: O'SCANNLAIN, BYBEE, and CALLAHAN, Circuit Judges.

Darlene Meraz appeals from the 12-month sentence imposed following the revocation of probation. 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 finds this case suitable for decision without oral argument. See Fed. R. App. P. 34(a)(2).

Meraz contends that the district court failed to consider the Sentencing Commission's Chapter 7 policy statements because the district court made no reference to the applicable sentencing range. The basis for the district court's sentencing calculations is apparent from the record. No reversible error was committed. *See United States v. Tadeo*, 222 F.3d 623, 625 (9th Cir. 2000); *see also United States v. Miqbel*, 444 F.3d 1173, 1180 n.14 (9th Cir. 2006).

Meraz also asserts that the sentence is unreasonable because the district court failed to consider the need to impose a sentence sufficient, but not greater than necessary, and failed to adequately explain why a sentence of less than 12 months was unnecessary. We conclude that the district court did not commit procedural error, and that Meraz's sentence is substantively reasonable. *See United States v. Carty*, 520 F.3d 984, 994-95 (9th Cir. 2008) (en banc); *see also United States v. Maciel-Vasquez*, 458 F.3d 994, 995 (9th Cir. 2006).

AFFIRMED.