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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NOT FOR PUBLICATION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>Plaintiff - Appellee,</p> <p>v.</p> <p>PERRY KRINITT,</p> <p>Defendant - Appellant.</p>

No. 08-10195

D.C. No. 3:02-cr-00062-1-HDM

MEMORANDUM*

Appeal from the United States District Court
for the District of Nevada
Howard D. McKibben, District Judge, Presiding

Submitted January 13, 2009**

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

Perry Krinitt appeals from the revocation of his supervised release and the imposition of 58 days of imprisonment and 34 additional months of supervised

* 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).

release. We have jurisdiction pursuant to 28 U.S.C. § 1291, and we affirm.

Krinitz contends that the district court committed procedural error by mischaracterizing the grade level of his revocation offenses and thus miscalculating his Guidelines range. We conclude that any error was harmless. *See United States v. Cantrell*, 433 F.3d 1269, 1279, 1280 n.4 (9th Cir. 2006).

Krinitz also contends that the district court erred by failing to provide an adequate explanation for his sentence. We conclude that any error did not affect Krinitz's substantial rights. *See Rita v. United States*, 127 S. Ct. 2456, 2468-69 (2007); *see also United States v. Dallman*, 533 F.3d 755, 761-62 (9th Cir. 2008).

AFFIRMED.