

MAR 03 2009

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NOT FOR PUBLICATION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.

MANUEL GUATEMALA MARTINEZ,  
aka MANUEL GUATEMALA,

Defendant - Appellant.

No. 08-50035

D.C. No. CR-03-00889-R-3

MEMORANDUM\*

Appeal from the United States District Court  
for the Central District of California  
Manuel L. Real, District Judge, Presiding

Submitted February 18, 2009\*\*

Before: BEEZER, FERNANDEZ, and W. FLETCHER, Circuit Judges.

Manuel Guatemala Martinez appeals from the 188-month sentence  
reimposed following remand pursuant to *United States v. Combs*, 470 F.3d 1294,

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\* 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).

1297 (9th Cir. 2006). We have jurisdiction under 28 U.S.C. § 1291, and we affirm.

Martinez contends that the district court procedurally erred by failing to adequately explain its decision not to cap his base offense level at 30 pursuant to U.S.S.G. § 2D1.1(a)(3), and that the sentence imposed is substantively unreasonable because the court's discussion of the 18 U.S.C. § 3553(a) sentencing factors was incomplete and cryptic. Following the remand, this court's scope of review for "reasonableness" is limited to the sole issue of "[w]hether the district judge properly understood the full scope of his discretion" following *United States v. Booker*, 543 U.S. 220 (2005). *Combs*, 470 F.3d at 1297. The record indicates that the district court properly understood the scope of its discretion under the advisory Guidelines. *See id.* To the extent that Martinez raises additional contentions, these contentions are precluded from consideration under the law of the case doctrine. *See United States v. Cuddy*, 147 F.3d 1111, 1114 (1998).

**AFFIRMED.**