

MAR 25 2009

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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NOT FOR PUBLICATION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>FONDA K. MURGIA,</p> <p>Defendant - Appellant.</p>

No. 08-10177

D.C. No. 2:04-cr-00361-FJM-1

MEMORANDUM*

Appeal from the United States District Court
for the District of Arizona
Frederick J. Martone, District Judge, Presiding

Submitted March 18, 2009**

Before: LEAVY, HAWKINS, and TASHIMA, Circuit Judges.

Fonda K. Murgia appeals from the 21-month sentence imposed following revocation of supervised release. We have jurisdiction pursuant to 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).

Murgia contends that the district court erred by relying upon impermissible factors in fashioning a sentence consecutive to her state sentence. The record, however, demonstrates that the district court did not rely upon impermissible factors. *See United States v. Simtob*, 485 F.3d 1058, 1062-64 (9th Cir. 2007). Murgia also contends that her sentence is unreasonable in light of the factors listed in 18 U.S.C. § 3553(a) and that imposing the sentence to run consecutive to her state court sentence makes her sentence greater than necessary to meet the sentencing goals of § 3553(a). We conclude that the district court did not procedurally err, and that the sentence is reasonable. *See United States v. Carty*, 520 F.3d 984, 991-93 (9th Cir. 2008) (en banc).

AFFIRMED.