

JUL 22 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NOT FOR PUBLICATION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.

JUAN ARELLANO-OCHOA,

Defendant - Appellant.

No. 06-30052

D.C. No. CR-05-00069-SEH

MEMORANDUM\*

Appeal from the United States District Court  
for the District of Montana  
Sam E. Haddon, District Judge, Presiding

Submitted July 14, 2009\*\*

Before: SCHROEDER, THOMAS, and WARDLAW, Circuit Judges.

Juan Arellano-Ochoa appeals from the 87-month sentence imposed following his jury-trial conviction for distribution of methamphetamine, in

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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).

violation of 21 U.S.C. § 841(a)(1). We have jurisdiction pursuant to 28 U.S.C. § 1291, and we affirm.

Arellano-Ochoa contends that his sentence is unreasonable because the district court failed to adequately consider all of the sentencing factors set forth in 18 U.S.C. § 3553(a), and that his sentence is excessive in light of his mitigating circumstances. The district court did not procedurally err and Arellano-Ochoa's sentence is substantively reasonable. *See United States v. Stoterau*, 524 F.3d 988, 999-1002 (9th Cir. 2008).

**AFFIRMED.**