

JUL 22 2009

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

KELVIN ALEXANDRA ALAS  
MELGAR, AKA Pain,

Defendant - Appellant.

No. 08-50231

D.C. No. 2:07-cr-01231-RGK-1

MEMORANDUM\*

Appeal from the United States District Court  
for the Central District of California  
R. Gary Klausner, District Judge, Presiding

Submitted July 14, 2009\*\*

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

Kelvin Alexandra Alas Melgar appeals from the 120-month sentence imposed following his guilty-plea conviction for distribution of methamphetamine,

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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).

in violation of 21 U.S.C. §§ 841(a)(1), 841(b)(1)(viii), and 846. We have jurisdiction pursuant to 28 U.S.C. § 1291, and we affirm.

Melgar contends that the district court erred by failing to explain why it imposed a condition of supervised release that prohibited him from associating with known gang members. Melgar also contends that there is nothing in the record demonstrating that he was a gang member. The district court was not required to articulate the reasons for imposing the anti-association condition. *See United States v. Ross*, 476 F.3d 719, 721-22 (9th Cir. 2007). Additionally, there was sufficient evidence of Melgar's gang membership in the record. *See United States v. Marin-Cuevas*, 147 F.3d 889, 895 (9th Cir. 1998).

**AFFIRMED.**