

JUL 23 2009

MOLLY C. DWYER, CLERK
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NOT FOR PUBLICATION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>JOSEPH MOSH CURLEY,</p> <p>Defendant - Appellant.</p>
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No. 08-10329

D.C. No. 3:93-cr-00346-PGR

MEMORANDUM*

Appeal from the United States District Court
for the District of Arizona
Paul G. Rosenblatt, District Judge, Presiding

Submitted July 14, 2009**

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

Joseph Mosh Curley appeals from the 42-month sentence imposed following revocation of his supervised release. We have jurisdiction pursuant to 28 U.S.C.

* 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).

§ 1291, and we affirm.

Curley contends that the district court erred by failing to articulate sufficiently compelling reasons for imposing a sentence substantially above the U.S. Sentencing Guidelines range. This contention lacks merit. *See United States v. Leonard*, 483 F.3d 635, 637 (9th Cir. 2007); *see also United States v. Simtob*, 485 F.3d 1058, 1062-63 (9th Cir. 2007).

AFFIRMED.