

SEP 30 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NOT FOR PUBLICATION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.

JUAN MANUEL RUBIO, AKA Primo,
AKA Gordo,

Defendant - Appellant.

No. 08-50344

D.C. No. 2:07-cr-01441-VBF

MEMORANDUM*

Appeal from the United States District Court
for the Central District of California
Valerie Baker Fairbank, District Judge, Presiding

Submitted September 14, 2009**

Before: SILVERMAN, RAWLINSON, and CLIFTON, Circuit Judges.

Juan Manuel Rubio appeals from the 108-month sentence imposed following his guilty-plea conviction for conspiracy to possess with intent to distribute

* 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).

methamphetamine, in violation of 21 U.S.C. §§ 841(a)(1), 846, and possession with intent to distribute methamphetamine and cocaine, in violation of 21 U.S.C. § 841(a)(1). We have jurisdiction pursuant to 28 U.S.C. § 1291, and we affirm.

Rubio contends that the district court plainly violated his Fifth Amendment right against self-incrimination at sentencing by imposing supervised release conditions requiring him to both report to the probation office within 72 hours of reentry into the United States and to truthfully answer all questions asked by the probation officer. This contention is foreclosed by *United States v. Abbouchi*, 502 F.3d 850, 859 (9th Cir. 2007).

AFFIRMED.