

OCT 28 2009

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

FOR THE NINTH CIRCUIT

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

BRIAN LEE COX,

Defendant - Appellant.

Nos. 08-10571 & 08-10572

D.C. No. 2:08-cr-50025-ROS

D.C. No. 2:07-cr-00728-ROS

MEMORANDUM*

Appeal from the United States District Court
for the District of Arizona
Roslyn O. Silver, District Judge, Presiding

Submitted October 13, 2009**

Before: B. FLETCHER, LEAVY, and RYMER, Circuit Judges.

In these consolidated appeals, Brian Lee Cox appeals from the consecutive 24-month sentences imposed following revocation of the concurrent terms of

* 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).

supervised release he was serving following guilty-plea convictions for bank robbery and escape. We have jurisdiction pursuant to 28 U.S.C. § 1291, and we affirm.

Cox contends that the district court erred by imposing a sentence at the statutory maximum, well above the advisory Guidelines range, without sufficient consideration of the 18 U.S.C. § 3553(a) factors. He also contends that his sentence is substantively unreasonable. The record reflects that the district court's explanation for imposing the sentence was sufficient, and that Cox's sentence is reasonable. *See Gall v. United States*, 128 S. Ct. 586, 596-97 (2007); *see also United States v. Simtob*, 485 F.3d 1058, 1062-63 (9th Cir. 2007).

AFFIRMED.