

OCT 28 2009

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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NOT FOR PUBLICATION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>ROBERTO CHARLES YSASSI, Jr.,</p> <p>Defendant - Appellant.</p>
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No. 09-10049

D.C. No. 2:05-cr-00247-RLH

MEMORANDUM\*

Appeal from the United States District Court  
for the District of Nevada  
Roger L. Hunt, Chief District Judge, Presiding

Submitted October 13, 2009\*\*

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

Roberto Charles Ysassi, Jr. appeals from the 115-month sentence imposed on remand for resentencing following his jury-trial conviction for bank robbery, in violation of 18 U.S.C. § 2113(a). We have jurisdiction pursuant to 28 U.S.C.

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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).

§ 1291, and we affirm.

Ysassi contends that he was denied his Sixth Amendment right to self-representation during the resentencing hearing. The record reflects that Ysassi's request to proceed pro se was improperly denied, but that the error was harmless. *See United States v. Maness*, 566 F.3d 894, 897 (9th Cir. 2009). Ysassi's contention that the district court should have conducted a new *Faretta* canvass at the resentencing hearing is without merit because both the magistrate judge and the district court conducted full *Faretta* hearings confirming his knowing and intelligent waiver of counsel prior to authorizing Ysassi to represent himself in the case.

**AFFIRMED.**