

DEC 14 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NOT FOR PUBLICATION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.

GARY L. ADAMS,

Defendant - Appellant.

No. 09-30105

D.C. No. 2:06-CR-00253-EJL

MEMORANDUM\*

Appeal from the United States District Court  
for the District of Idaho  
Edward J. Lodge, District Judge, Presiding

Submitted November 17, 2009\*\*

Before: ALARCÓN, TROTT, and TASHIMA, Circuit Judges.

Gary L. Adams appeals from the six-month sentence imposed upon revocation of supervised release. We have jurisdiction pursuant to 28 U.S.C. § 1291, and we affirm.

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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).

Adams contends that the sentence is substantively unreasonable in light of his mitigating arguments, and that the district court erroneously considered dismissed battery charges as an aggravating factor at sentencing. Adams' contention that the district court improperly weighed his dismissed battery charges lacks merit and is not supported by the record. *See United States v. Barragan-Espinoza*, 350 F.3d 978, 983 (9th Cir. 2003). The record reflects that the district court properly considered the sentencing factors under 18 U.S.C. § 3583(e), and that the sentence is reasonable. *See* 18 U.S.C. § 3583(e); *see also United States v. Carty*, 520 F.3d 984, 993 (9th Cir. 2008) (en banc); *United States v. Miqbel*, 444 F.3d 1173, 1176 (9th Cir. 2006).

**AFFIRMED.**