

DEC 14 2009

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

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

ELENO COLIN FELICIANO, AKA Eleno  
Colin, AKA Dustin Colin AKA Victor  
Colin,

Defendant - Appellant.

No. 09-50025

D.C. No. 2:08-cr-00655-AHM

MEMORANDUM\*

Appeal from the United States District Court  
for the Central District of California  
A. Howard Matz, District Judge, Presiding

Submitted November 17, 2009\*\*

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

Eleno Colin Feliciano appeals from the 64-month sentence imposed  
following his guilty-plea conviction for being a felon in possession of a firearm

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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).

and ammunition in violation of 28 U.S.C. § 922(g)(1). We have jurisdiction pursuant to 28 U.S.C. § 1291, and we affirm.

Feliciano contends that his mid-range Guidelines sentence is substantively unreasonable because: (1) the district court overstated the seriousness of the offense, (2) the district court ignored mitigating personal information and focused on recidivism, and (3) the 64-month sentence is greater than necessary to comply with the sentencing purposes set forth in 18 U.S.C § 3553.

The record reflects that the district court properly weighed and considered the section 3553 factors. *See United States v. Carty*, 520 F.3d 984, 992-93 (9th Cir. 2008) (en banc). Under the circumstances of this case, the district court did not abuse its discretion in imposing a mid-range Guidelines sentence, and the sentence is not substantively unreasonable. *Id.* at 993-94; *United States v. Ringgold*, 571 F.3d 948, 953 (9th Cir. 2009) (upholding the district court's sentence and determination that appellant's prior imprisonment "has not made a significant impact upon him").

**AFFIRMED.**