

JAN 11 2010

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NOT FOR PUBLICATION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.

DEAN JOHN PERRI,

Defendant - Appellant.

Nos. 09-30140 & 09-30141

D.C. Nos. 3:08-CR-00529-JAR
3:99-CR-00122-JAR

MEMORANDUM*

Appeal from the United States District Court
for the District of Oregon
James A. Redden, District Judge, Presiding

Submitted December 15, 2009**

Before: GOODWIN, WALLACE, and FISHER, Circuit Judges.

In these consolidated appeals, Dean John Perri appeals from the consecutive three-month sentences imposed upon revocation of supervised release. We have jurisdiction pursuant to 28 U.S.C. § 1291, and we affirm.

* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

** The panel unanimously concludes this case is suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

Perri contends that the sentence is unreasonable because the district court failed to consider all of the factors under 18 U.S.C. § 3583(e), impermissibly relied upon factors omitted from § 3583(e), and placed undue weight on his criminal history. The record reflects that the district court did not improperly rely upon factors omitted under § 3583(e), considered the appropriate sentencing factors, and that the sentence below the guidelines range is substantively reasonable. *See United States v. Miquel*, 444 F.3d 1173, 1176, 1181-82 (9th Cir. 2006) (stating that sentences imposed upon supervised release are reviewed for reasonableness and discussing the factors a district court may consider upon imposition of such sentence).

AFFIRMED.