

JAN 26 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NOT FOR PUBLICATION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.

ANTONIO MAURICIO AVELAR,

Defendant - Appellant.

No. 09-50193

D.C. No. 3:07-cr-00665-TJW

MEMORANDUM*

Appeal from the United States District Court
for the Southern District of California
Thomas J. Whelan, District Judge, Presiding

Submitted January 11, 2010**

Before: BEEZER, TROTT, and BYBEE, Circuit Judges.

Antonio Mauricio Avelar appeals from the 18-month sentence imposed following revocation of supervised release. We have jurisdiction pursuant to 18

* 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).

U.S.C. § 1291. We review for plain error, *United States v. Hammons*, 558 F.3d 1100, 1103 (9th Cir. 2009), and we affirm.

Avelar contends that the district court procedurally erred when it failed to address applicable section 3553 factors and the reasons for imposing a particular sentence. The record reflects that the district court adequately explained the reasons for the sentence, including stating the applicable Sentencing Guidelines range. *See United States v. Carty*, 520 F.3d 984, 992-93 (9th Cir. 2008) (en banc); *Rita v. United States*, 551 U.S. 338, 358-59 (2007).

AFFIRMED.