

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

FILED

MAR 29 2010

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

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

ROBERT PAUL HILL,

Defendant - Appellant.

No. 07-10011

D.C. No. CR-04-00527-EHC

MEMORANDUM*

Appeal from the United States District Court
for the District of Arizona
Earl H. Carroll, District Judge, Presiding

Submitted February 3, 2010**
San Francisco, California

Before: HUG, BEEZER and HALL, Circuit Judges.

Defendant-appellant Robert Paul Hill (“Hill”) appeals from a final judgment convicting him of one count of being a felon in possession of a firearm and ammunition. 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 Ninth Circuit Rule 36-3.

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

The facts of this case are known to the parties. We do not repeat them.

We review “all sentencing decisions” for an abuse of discretion. *United States v. Carty*, 520 F.3d 984, 993 (9th Cir. 2008) (en banc). The district court properly exercised its discretion in sentencing Hill to 120 months imprisonment and declining to grant a downward departure pursuant to Section 5K2.13 of the Sentencing Guidelines. *See* U.S.S.G. § 5K2.13; *see also United States v. Davis*, 264 F.3d 813, 815–16 (9th Cir. 2001) (holding that courts lack discretion to depart downward under Section 5K2.13 if incarceration is needed “to protect the public”).

AFFIRMED.