

JUL 01 2010

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

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>UNITED STATES OF AMERICA,</p> <p>Plaintiff - Appellee,</p> <p>v.</p> <p>FERNANDO VEGA-SANCHEZ,</p> <p>Defendant - Appellant.</p>

No. 09-50637

D.C. No. 3:09-cr-00184-GT

MEMORANDUM*

Appeal from the United States District Court
for the Southern District of California
Gordon Thompson, District Judge, Presiding

Submitted June 29, 2010**

Before: ALARCÓN, LEAVY, and GRABER, Circuit Judges.

Francisco Vega-Sanchez appeals from the six-month sentence imposed upon revocation of supervised release. We have jurisdiction under 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).

Vega-Sanchez contends that the district court procedurally erred by failing to: (1) calculate the advisory Guidelines range; (2) meaningfully consider and address the relevant factors set forth in 18 U.S.C. § 3553 and 18 U.S.C. § 3583(e); and (3) explain the reasons for the sentence imposed. The record reflects that the district court did not procedurally err. *See United States v. Carty*, 520 F.3d 984, 991-95 (9th Cir. 2008) (en banc); *see also United States v. Valencia-Barragan*, 600 F.3d 1132, 1137 (9th Cir. 2010) (concluding that there was no plain error where “the district court listened to [defendant’s] arguments, stated that it had reviewed the criteria set forth in § 3553(a), and imposed a sentence within the Guidelines range”).

Vega-Sanchez also contends that the sentence is substantively unreasonable in light of his mitigating personal circumstances. The record reflects that the six-month sentence is substantively reasonable in light of the totality of the circumstances. *See Gall v. United States*, 552 U.S. 38, 51-52 (2007).

AFFIRMED.