

DEC 27 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NOT FOR PUBLICATION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 style="text-align: center;">Plaintiff - Appellee,</p> <p style="text-align: center;">v.</p> <p>HURIST JOUBERT,</p> <p style="text-align: center;">Defendant - Appellant.</p>
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No. 09-30018

D.C. No. 3:97-cr-00065-JKS

MEMORANDUM*

Appeal from the United States District Court
for the District of Alaska
James K. Singleton, District Judge, Presiding

Submitted December 14, 2010**

Before: GOODWIN, WALLACE, and W. FLETCHER, Circuit Judges.

Hurist Joubert appeals from the district court’s order denying his 18 U.S.C. § 3582(c)(2) motion for a reduced sentence. 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).

Joubert contends that the district court erred by denying his motion without considering the relevant statutory factors, including his conduct while incarcerated over the past ten years. The record reflects that the district court complied with 18 U.S.C. § 3582(c)(2) and considered the relevant factors under 18 U.S.C. § 3553(a) in denying Joubert’s motion. Accordingly, the district court did not err. *See Dillon v. United States*, 130 S. Ct. 2683, 2690-92 (2010). We further reject Joubert’s argument that he was entitled to greater notice regarding what procedures the district court would employ in denying his motion. *See Dillon*, 130 S. Ct. at 2691 (Section 3582(c)(2) is “intended to authorize only a limited adjustment to an otherwise final sentence and not a plenary resentencing proceeding”).

AFFIRMED.