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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NOT FOR PUBLICATION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>BAO LU, a.k.a Hoang Nguyen,</p> <p style="text-align: center;">Defendant - Appellant.</p>
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No. 09-10276

D.C. No. 2:99-cr-00433-WBS

MEMORANDUM*

Appeal from the United States District Court
for the Eastern District of California
William B. Shubb, District Judge, Presiding

Submitted February 15, 2011**

Before: CANBY, FERNANDEZ, and M. SMITH, Circuit Judges.

Bao Lu appeals from the district court’s decision following a limited remand under *United States v. Ameline*, 409 F.3d 1073 (9th Cir. 2005) (en banc). We have jurisdiction under 28 U.S.C. § 1291, and we affirm.

Lu contends that his life-time term of imprisonment is unreasonable because

* 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).

the district court failed to take into account his youth and post-sentencing rehabilitation. The district court conducted a proper *Ameline* review, *see United States v. Silva*, 472 F.3d 683, 685 (9th Cir. 2007), and it “properly understood the full scope of [its] discretion” following *United States v. Booker*, 543 U.S. 220 (2005). *See United States v. Combs*, 470 F.3d 1294, 1297 (9th Cir. 2006). Moreover, the district court was not required to consider Lu’s post-sentencing rehabilitation. *See United States v. Bernardo Sanchez*, 569 F.3d 995, 997-98 (9th Cir. 2009).

AFFIRMED.