

FEB 18 2011

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

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| <p>UNITED STATES OF AMERICA,</p> <p style="text-align: center;">Plaintiff - Appellee,</p> <p style="text-align: center;">v.</p> <p>JOSEPH DIAZ, AKA Joseph Lopez,</p> <p style="text-align: center;">Defendant - Appellant.</p> |
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No. 10-10103

D.C. No. 4:09-cr-00060-RCC-
BPV-1

MEMORANDUM*

Appeal from the United States District Court
for the District of Arizona
Raner C. Collins, District Judge, Presiding

Submitted February 15, 2011**
San Francisco, California

Before: NOONAN, O’SCANNLAIN, and TROTT, Circuit Judges.

Diaz appeals from his sentence of 630 months following his plea of guilty to seven counts of bank robbery, all committed after his commission of twenty-one previous bank robberies for which he spent twenty-five years in prison. Because

* 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).

he did not object to any aspect of his sentencing in the district court, our review is for plain error. United States v. Williams, 989 F.2d 1061, 1071-72 (9th Cir. 1993).

Our inspection of the record discloses no errors in the calculation of Diaz's Guidelines range. In fact, his counsel accepted the court's final calculation and asked for a sentence within that range, which the court then imposed. Moreover, the court clearly considered the relevant § 3553 factors and adequately explained the choice of a sentence. Finally, given the egregious facts and circumstances of this case and Diaz's background, the sentence imposed was substantively reasonable and certainly not an abuse of discretion.

Diaz's sentencing was error-free. Thus, we AFFIRM.