

JUN 07 2011

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NOT FOR PUBLICATION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>JEREMY JASON BROOKS,</p> <p>Defendant - Appellant.</p> |
|---|

No. 10-50604

D.C. No. 3:09-cr-01185-JLS

MEMORANDUM*

Appeal from the United States District Court
for the Southern District of California
Janis L. Sammartino, District Judge, Presiding

Submitted May 24, 2011**

Before: PREGERSON, THOMAS, and PAEZ, Circuit Judges.

Jeremy Jason Brooks appeals from his sentence of eight months imprisonment followed by 24 months of supervised release imposed on 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).

Brooks contends that the district court procedurally erred by failing to explain adequately the reasons for the sentence imposed. The record reflects the district court adequately explained the reasons for the sentence. *See United States v. Carty*, 520 F.3d 984, 991-93 (9th Cir. 2008) (en banc); *see also Rita v. United States*, 551 U.S. 338, 358-59 (2007).

Brooks also contends that the district court improperly relied on the unsupported allegation that he drove while under the influence. The court did not plainly err. *See United States v. Hammons*, 558 F.3d 1100, 1103 (9th Cir. 2009).

Brooks also contends that his sentence is substantively unreasonable. However, the sentence was reasonable in light of the relevant factors set forth in 18 U.S.C. § 3553(a). *See United States v. Simtob*, 485 F.3d 1058, 1062-63 (9th Cir. 2007); *see also* 18 U.S.C. § 3583(e).

AFFIRMED.