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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NOT FOR PUBLICATION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>STANLEY WILLIAM PARKS,</p> <p style="text-align: center;">Defendant - Appellant.</p>

No. 10-10404

D.C. No. 2:05-cr-00029-EHC

MEMORANDUM*

Appeal from the United States District Court
for the District of Arizona
Earl H. Carroll, District Judge, Presiding

Submitted May 24, 2011**

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

Stanley William Parks appeals from the 24-month sentence imposed following 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).

Parks first contends that the district court procedurally erred by failing to adequately explain or sufficiently identify compelling reasons for its sentence.

This contention is belied by the record.

Parks also contends that the district court procedurally erred by imposing the sentence under the mistaken belief that *United States v. Knight*, 580 F.3d 933 (9th Cir. 2009), required a 24-month sentence. Any error was harmless because the district court indicated that it would impose the same sentence regardless of the holding in *Knight*. See *United States v. Mohamed*, 459 F.3d 979, 987 (9th Cir. 2006) (procedural error reviewed for harmless error).

Parks finally contends that he was denied the right of allocution. See Fed. R. Crim. P. 32(i)(4)(A)(ii). Contrary to his contention, Parks was afforded the right of allocution, where he had an opportunity to make a statement before the court made its final judgment. See *United States v. Laverne*, 963 F.2d 235, 237 (9th Cir. 1992) (no violation where the “court was able to consider the defendant's statement and was free to alter its view of the sentence if the defendant offered a sufficient reason for changing its view[]”).

Parks motion for judicial notice of a document attached as an addendum to his reply brief is denied.

The United States' motion to strike the addendum and portions of the reply brief is granted.

AFFIRMED.