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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

UNITED STATES OF AMERICA, Plaintiff - Appellee, v. PEDRO JESUS TREJO, Defendant - Appellant.	No. 11-10148 D.C. No. 2:09-cr-00446-EJG MEMORANDUM*

Appeal from the United States District Court
for the Eastern District of California
Edward J. Garcia, District Judge, Presiding

Submitted August 2, 2011**

Before: RYMER, IKUTA, and N.R. SMITH, Circuit Judges.

Pedro Jesus Trejo appeals from the sentence imposed upon revocation of supervised release. We have jurisdiction under 28 U.S.C. § 1291, and we affirm.

Trejo contends that the district court abused its discretion by imposing a standard supervised release condition prohibiting him from associating with "any

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* 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).

person convicted of a felony unless granted permission to do so by the probation officer" without making an exception for Trejo's girlfriend. In light of the record, and the fact that the restriction may be waived by the probation officer, the district court did not abuse its discretion by imposing this standard condition. *See United States v. Weber*, 451 F.3d 552, 557 (9th Cir. 2006) (supervised release conditions are reviewed "deferentially, for abuse of discretion").

Trejo also contends that the nine-month sentence imposed by the district court is substantively unreasonable. Contrary to Trejo's contention, the record demonstrates that the court did not rely on punishment or rehabilitation as a "primary basis for [the] revocation sentence." *United States v. Miqbel*, 444 F.3d 1173, 1182 (9th Cir. 2006). The mid-Guidelines sentence is reasonable in light of the need for deterrence and Trejo's continued breach of trust. *See* 18 U.S.C. § 3583(e); *Miqbel*, 444 F.3d at 1181-82.

AFFIRMED.