

OCT 04 2011

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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NOT FOR PUBLICATION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.

RUBEN VALDEZ,

Defendant - Appellant.

No. 10-10362

D.C. No. 2:10-cr-00287-FJM

MEMORANDUM\*

Appeal from the United States District Court  
for the District of Arizona  
Frederick J. Martone, District Judge, Presiding

Submitted September 27, 2011\*\*

Before: HAWKINS, SILVERMAN, and W. FLETCHER, Circuit Judges.

Ruben Valdez appeals from the 70-month sentence imposed following his guilty-plea conviction for being a felon in possession of a firearm, in violation of 18 U.S.C. §§ 922(g)(1) and 924(a)(2). We have jurisdiction under 28 U.S.C. § 1291, and we affirm.

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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).

Valdez contends that the district court erred by imposing a two-level enhancement under U.S.S.G. § 3C1.2 (Reckless Endangerment During Flight). He further contends that the court's findings in support of the enhancement were insufficient as a procedural matter. The district court's determination to apply the enhancement was not clear error, *see United States v. Reyes-Oseguera*, 106 F.3d 1481, 1483-84 (9th Cir. 1997), and its statements at sentencing were sufficient to permit meaningful appellate review, *see United States v. Carty*, 520 F.3d 984, 992-93, 995 (9th Cir. 2008) (en banc).

**AFFIRMED.**