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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NOT FOR PUBLICATION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>LUIS CARNET HEREDIA, a.k.a. Luis Carnet,</p> <p style="text-align: center;">Defendant - Appellant.,</p>
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No. 10-50017

D.C. No. 2:91-cr-00563-FMC

MEMORANDUM*

Appeal from the United States District Court
for the Central District of California
Florence-Marie Cooper, District Judge, Presiding

Submitted October 25, 2011**

Before: TROTT, GOULD, and RAWLINSON, Circuit Judges.

Luis Carnet Heredia appeals from the 32-month sentence imposed upon revocation of supervised release. Pursuant to *Anders v. California*, 386 U.S. 738 (1967), Carnet Heredia’s counsel has filed a brief stating there are no grounds for

* 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).

relief, along with a motion to withdraw as counsel of record. Carnet Heredia submitted a pro se brief contending that the district court procedurally erred by: (1) failing to adequately address the relevant factors set forth in 18 U.S.C. § 3553 and 18 U.S.C. § 3583(e); (2) considering impermissible factors; and (3) failing to adequately explain the reasons for the sentence.

The record belies Carnet Heredia's contentions and reflects that the district court did not procedurally err. *See United States v. Carty*, 520 F.3d 984, 991-95 (9th Cir. 2008) (en banc); *see also United States v. Valencia-Barragan*, 600 F.3d 1132, 1137 (9th Cir. 2010) (concluding that there was no plain error where "the district court listened to [defendant's] arguments, stated that it had reviewed the criteria set forth in § 3553(a), and imposed a sentence within the Guidelines range").

Moreover, our independent review of the record pursuant to *Penon v. Ohio*, 488 U.S. 75, 80-81 (1988), discloses no arguable grounds for relief on direct appeal.

Counsel's motion to withdraw is **GRANTED**.

AFFIRMED.