

DEC 30 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NOT FOR PUBLICATION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 style="text-align: center;">Plaintiff - Appellee,</p> <p style="text-align: center;">v.</p> <p>FIDEL DIAZ-LEMUS,</p> <p style="text-align: center;">Defendant - Appellant.</p>
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No. 11-10002

D.C. No. 4:10-cr-50039-DCB

MEMORANDUM*

Appeal from the United States District Court
for the District of Arizona
David C. Bury, District Judge, Presiding

Submitted December 19, 2011**

Before: GOODWIN, WALLACE, and McKEOWN, Circuit Judges.

Fidel Diaz-Lemus appeals from the 12-month sentence imposed following the revocation of his 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).

Diaz-Lemus contends that the district court failed to consider the 18 U.S.C. § 3553(a) factors in imposing the consecutive 12-month sentence, and that his sentence is substantively unreasonable. The district court did not procedurally err and Diaz-Lemus' within-Guidelines sentence is reasonable in light of the totality of the circumstances and the 18 U.S.C. § 3553(a) sentencing factors. *See Gall v. United States*, 552 U.S. 38, 51 (2007); U.S.S.G. § 7B1.3(a)(1), (f).

AFFIRMED.