

DEC 30 2011

MOLLY C. DWYER, CLERK  
U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

UNITED STATES OF AMERICA,  
  
Plaintiff - Appellee,  
  
v.  
  
FIDEL DIAZ-LEMUS,  
  
Defendant - Appellant.

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.

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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).

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.**