

MAR 05 2012

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NOT FOR PUBLICATION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.

JUSTIN DUANE CORBRAY,

Defendant - Appellant.

No. 11-30185

D.C. No. 2:08-cr-02027-FVS

MEMORANDUM*

Appeal from the United States District Court
for the Eastern District of Washington
Fred L. Van Sickle, District Judge, Presiding

Submitted February 21, 2012**

Before: FERNANDEZ, McKEOWN, and BYBEE, Circuit Judges.

Justin Duane Corbray appeals from the 24-month sentence imposed following the revocation of 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).

Corbray contends that the district court procedurally erred by failing to calculate the applicable Sentencing Guidelines range. This contention lacks merit as the record reflects that the district court adopted the undisputed Guidelines range calculated in the petition to revoke supervised release, and provided sufficient reasons for imposing a sentence at the statutory maximum. *See United States v. Carty*, 520 F.3d 984, 993 (9th Cir.2008).

Corbray also contends that the sentence imposed is substantively unreasonable. The sentence is substantively reasonable under the totality of the circumstances and in light of the sentencing factors set forth in 18 U.S.C. §§ 3553(a) and 3553(e). *See Gall v. United States*, 552 U.S. 38, 51 (2007); *United States v. Miqbel*, 444 F.3d 1173, 1182 (9th Cir. 2006).

AFFIRMED.