

MAR 09 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NOT FOR PUBLICATION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.

MELODY C. REDONDO,

Defendant - Appellant.

No. 11-30203

D.C. No. 1:10-cr-00267-BLW

MEMORANDUM*

Appeal from the United States District Court
for the District of Idaho
B. Lynn Winmill, Chief Judge, Presiding

Submitted March 6, 2012**

Before: B. FLETCHER, REINHARDT, and TASHIMA, Circuit Judges.

Melody C. Redondo appeals from the restitution order imposed following her guilty-plea conviction for making a false statement to a financial institution, in violation of 18 U.S.C. § 1014. We have jurisdiction under 28 U.S.C. § 1291, and

* 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).

we affirm.

Redondo contends that the evidence was insufficient to support the amount of restitution ordered because the district court failed to resolve a factual dispute at sentencing and failed to justify its restitution calculation. Redondo did not object to the amount of restitution before the district court. To the extent the district court failed to resolve a factual dispute, the error was neither plain, nor did it affect Redondo's substantial rights. *See United States v. Zink*, 107 F.3d 716, 718 (9th Cir. 1997). Furthermore, there was sufficient evidence and justification to support the amount of restitution ordered. *See id.* at 719-20.

AFFIRMED.