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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NOT FOR PUBLICATION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.

ROBERTOS LANDEROS-MORALES,

Defendant - Appellant.

No. 11-50368

D.C. No. 3:11-cr-00588-IEG

MEMORANDUM*

Appeal from the United States District Court
for the Southern District of California
Irma E. Gonzalez, Chief District Judge, Presiding

Submitted March 6, 2012**

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

Robertos Landeros-Morales appeals from the 10-month sentence imposed following the revocation of his supervised release. We have jurisdiction under 28 U.S.C. § 1291, and we vacate and remand for resentencing.

* 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).

Landeros-Morales contends that the district court procedurally erred by relying on factors excluded from 18 U.S.C. § 3583(e), specifically, punishment. It is unclear from the record whether those factors served as the primary basis for the sentence imposed. *See United States v. Miqbel*, 444 F.3d 1173, 1182 (9th Cir. 2006); *see also United States v. Simtob*, 485 F.3d 1058, 1062 (9th Cir. 2007). Accordingly, we vacate and remand for resentencing.

In light of this disposition, we decline to reach Landeros-Morales's other arguments.

VACATED; REMANDED for resentencing.