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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NOT FOR PUBLICATION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>v.</p> <p>MANUEL OSMAN NEVAREZ- CAJIGAS,</p> <p style="text-align: center;">Defendant - Appellant.</p>

No. 11-10375

D.C. No. 4:11-cr-00565-CKJ

MEMORANDUM*

Appeal from the United States District Court
for the District of Arizona
Ronald S.W. Lew,** District Judge, Presiding

Submitted February 21, 2012***

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

Manuel Osman Nevarez-Cajigas appeals from the 13-month-and-one-day

* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

** The Honorable Ronald S.W. Lew, District Judge for the U.S. District Court for the Central District of California, sitting by designation.

*** The panel unanimously concludes this case is suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

sentence imposed following his guilty-plea conviction for possession with intent to distribute marijuana, in violation of 21 U.S.C. § 841(a)(1) and (b)(1)(D). We have jurisdiction under 28 U.S.C. § 1291, and we reverse and remand for resentencing.

Nevarez-Cajigas contends that the district court procedurally erred by failing to calculate the applicable Sentencing Guidelines range at the outset of the sentencing hearing, and by imposing a “standard” sentence rather than one based upon the 18 U.S.C. § 3553(a) sentencing factors. We conclude that the district court procedurally erred by failing to calculate the Guidelines range, and by failing adequately to consider the § 3553(a) factors. *See United States v. Carty*, 520 F.3d 984, 993 (9th Cir. 2008) (en banc).

Nevarez-Cajigas’ motion to file an untimely reply brief is granted.

REVERSED AND REMANDED.