

DEC 31 2012

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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NOT FOR PUBLICATION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>Plaintiff - Appellee,</p> <p>v.</p> <p>MONROE JAMES EZELL,</p> <p>Defendant - Appellant.</p>
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No. 12-30061

D.C. No. 2:11-cr-00260-MJP

MEMORANDUM*

Appeal from the United States District Court
for the Western District of Washington
Marsha J. Pechman, Chief Judge, Presiding

Submitted December 19, 2012**

Before: GOODWIN, WALLACE, and FISHER, Circuit Judges.

Monroe James Ezell appeals from the district court’s judgment and challenges the 60-month sentence imposed following his guilty-plea conviction for being a felon in possession of a firearm, in violation of 18 U.S.C. § 922(g)(1). We

* 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).

have jurisdiction under 28 U.S.C. § 1291, and we affirm.

Ezell contends that the district court erred by lengthening his sentence based on his need for rehabilitation. Because Ezell failed to raise this objection at sentencing, we review for plain error. *See United States v. Valencia-Barragan*, 608 F.3d 1103, 1108 (9th Cir. 2010). The court did not plainly err because the record reflects that it did not lengthen the sentence based on Ezell’s rehabilitative needs. *See Tapia v. United States*, 131 S. Ct. 2382, 2392 (2011) (“A court commits no error by discussing the opportunities for rehabilitation within prison or the benefits of specific treatment or training programs.”).

AFFIRMED.