

MAY 20 2013

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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NOT FOR PUBLICATION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>JORDAN HUFF; MARCUS MAJOR,</p> <p>Defendants - Appellants.</p>
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Nos. 12-10281  
12-10282

D.C. No. 1:07-cr-00156-LJO

MEMORANDUM\*

Appeal from the United States District Court  
for the Eastern District of California  
Lawrence J. O’Neill, District Judge, Presiding

Submitted May 14, 2013\*\*

Before: LEAVY, THOMAS, and MURGUIA, Circuit Judges.

In these consolidated appeals, Jordan Huff and Marcus Major appeal from their sentences imposed by the district court following remand. We have jurisdiction under 28 U.S.C. § 1291, and we affirm.

Huff and Major contend that the district court erred in its interpretation of

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\* 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).

the scope of our remand when it declined to conduct a plenary resentencing hearing. We review the district court's compliance with a mandate from this court de novo. *See United States v. Perez*, 475 F.3d 1110, 1112 (9th Cir. 2007). The district court properly complied with the terms of the mandate to resentence Huff and Major using one of the brandishing counts as the first conviction.

**AFFIRMED.**