

AUG 01 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NOT FOR PUBLICATION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>ANTHONY CORTEZ JACKSON,</p> <p>Defendant - Appellant.</p>
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No. 12-30323

D.C. No. 2:93-cr-00379-JCC

MEMORANDUM*

Appeal from the United States District Court
for the Western District of Washington
John C. Coughenour, District Judge, Presiding

Submitted July 24, 2013**

Before: ALARCÓN, CLIFTON, and CALLAHAN, Circuit Judges.

Anthony Cortez Jackson appeals from the district court’s judgment and challenges the 24-month sentence imposed upon revocation of supervised release.

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

Jackson contends that the district court erred by failing to calculate the

* 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).

Sentencing Guidelines range and explain the sentence. We review for plain error, *see United States v. Valencia-Barragan*, 608 F.3d 1103, 1108 (9th Cir. 2010), and find none. The record reflects that the court was aware of the Sentencing Guidelines range and considered the evidence and arguments before imposing the 24-month sentence. Nothing more was required. *See Rita v. United States*, 551 U.S. 338, 358-59 (2007).

Jackson next argues that the district court erred by including in the judgment the date he was taken into federal custody, which he contends may constrain the Bureau of Prisons' ("BOP") ability to credit him for the time he served in state custody that was not credited towards his state sentence. Contrary to Jackson's claim, the district court's judgment does not limit the BOP's authority to calculate Jackson's sentence. *See* 18 U.S.C. § 3585.

AFFIRMED.