

AUG 04 2014

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NOT FOR PUBLICATION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.

PAUL GONZALEZ, a.k.a. Khamla
Siharaj,

Defendant - Appellant.

No. 12-50421

D.C. No. 2:10-cr-00362-ODW-36

MEMORANDUM*

Appeal from the United States District Court
for the Central District of California
Otis D. Wright, District Judge, Presiding

Submitted August 27, 2013**

Before: HUG, FARRIS, and LEAVY, Circuit Judges.

Paul Gonzalez appeals from the district court's judgment and challenges the district court's denial of his request for a continuance prior to sentencing. We review the district court's denial of a continuance for abuse of discretion. *United*

* 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).

States v. Flynt, 756 F.2d 1352, 1358 (9th Cir. 1985). We have jurisdiction under 28 U.S.C. § 1291, and we affirm.

Gonzalez contends that the district court erred when it denied a second continuance. The district court did not abuse its discretion because the denial of the continuance did not prejudice Gonzalez. *See United States v. Wilkes*, 662 F.3d 524, 543 (9th Cir. 2011); *see also United States v. Zamora-Hernandez*, 222 F.3d 1046, 1049-50 (9th Cir. 2000) (recognizing that there is not prejudice when, despite the denial of a continuance, the defendant is able to obtain the evidence he seeks in a sufficiently timely manner); *United States v. Shirley*, 884 F.2d 1130, 1135 (9th Cir. 1989) (holding that appellant does not show prejudice merely by asserting that additional time was likely to lead to important information); *United States v. Long*, 706 F.2d 1044, 1053 (9th Cir. 1983) (holding that there was no prejudice where appellant failed to identify any additional evidence he would have been able to present had district court granted motion for continuance).

AFFIRMED.