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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

UNITED STATES OF AMERICA, Plaintiff - Appellee, v. VINO BURNETTE, Jr., Defendant - Appellant.	No. 10-10402 D.C. No. 3:05-cr-00529-EHC MEMORANDUM*

Appeal from the United States District Court
for the District of Arizona
Earl H. Carroll, District Judge, Presiding

Submitted March 8, 2011**

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

Vino Burnette, Jr. appeals from the 18-month sentence imposed upon revocation of supervised release. We have jurisdiction under 28 U.S.C. § 1291, and we affirm.

Burnette contends that the district court procedurally erred by failing to

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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).

adequately explain and identify sufficiently compelling reasons for the sentence and by misidentifying the applicable statutory maximum sentence. The record reflects that the district court adequately explained its reasons and did not otherwise procedurally err. *See United States v. Carty*, 520 F.3d 984, 991-93 (9th Cir. 2008) (en banc).

Burnette also contends that the sentence is substantively unreasonable in light of his mitigating personal circumstances. The record reflects that the 18-month sentence is substantively reasonable in light of the totality of the circumstances. *See Gall v. United States*, 552 U.S. 38, 51-52 (2007); *see also Carty*, 520 F.3d at 993.

AFFIRMED.