

OCT 31 2007

CATHY A. CATTERSON, 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NOT FOR PUBLICATION  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.

**CARINA S. PRECIADO,**

Defendant - Appellant.

No. 06-50649

D.C. No. CR-06-00745-GT

**MEMORANDUM\***

Appeal from the United States District Court  
for the Southern District of California  
Gordon Thompson, Jr., Senior District Judge, Presiding

Argued and Submitted August 9, 2007  
Pasadena, California

Before: **KOZINSKI** and **RAWLINSON**, Circuit Judges, and  
**CEDARBAUM**,\*\* Senior District Judge.

1. The district court did find that Preciado had other child care alternatives

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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 Honorable Miriam Goldman Cedarbaum, Senior United States District Judge for the Southern District of New York, sitting by designation.

available. See United States v. Karterman, 60 F.3d 576, 583 (9th Cir. 1995) (“Although the district court’s findings under [Fed. R. Crim. P.] 32(c) must be ‘express,’ they need only state the court’s resolution of the disputed issues.”).

2. Preciado’s sentence was reasonable, as it was within the Guidelines and based on three of the factors listed in 18 U.S.C. § 3553(a).

3. The district court did not abuse its discretion by requiring Preciado to remain in the United States unless her probation officer allows her to depart. See 18 U.S.C. §§ 3563(b)(13), 3583(d). The district court made sufficient findings that this restriction “involves no greater deprivation of liberty than is reasonably necessary.” United States v. Williams, 356 F.3d 1045, 1057 (9th Cir. 2004). The restriction isn’t a due process violation because Preciado hasn’t shown that her common-law husband couldn’t visit the children in the United States, and Preciado isn’t categorically barred from going to Mexico—she just needs her probation officer’s consent.

**AFFIRMED.**