

JAN 18 2008

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NOT FOR PUBLICATION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.

BENJAMIN QUINONEZ,

Defendant - Appellant.

No. 06-30624

D.C. No. CR-02-00027-BLW

MEMORANDUM\*

Appeal from the United States District Court  
for the District of Idaho  
B. Lynn Winmill, District Judge, Presiding

Submitted January 14, 2008\*\*

Before: HALL, O'SCANNLAIN, and PAEZ, Circuit Judges.

Following a limited remand pursuant to *United States v. Ameline*, 409 F.3d 1073 (9th Cir. 2005) (en banc), Benjamin Quinonez appeals from the district court's order concluding that it would not have imposed a materially different

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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 finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

sentence had it known that the United States Sentencing Guidelines were advisory.

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

Quinonez contends that the district court erred on remand because the sentence was unreasonable. However, this contention is unreviewable. *See United States v. Combs*, 470 F.3d 1294, 1296-97 (9th Cir. 2006). To the extent Quinonez contends that the district court did not understand its discretion to impose a non-Guidelines sentence, this contention is belied by the record. *See id.*

**AFFIRMED.**