

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NOT FOR PUBLICATION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.

SIMONE NICOLE PIRTLE,

Defendant - Appellant.

No. 07-50253

D.C. No. CR-03-01143-ER-01

MEMORANDUM\*

Appeal from the United States District Court  
for the Central District of California  
Edward Rafeedie, District Judge, Presiding

Submitted January 14, 2008\*\*

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

Simone Nicole Pirtle appeals from the district court's judgment revoking her five-year term of probation and imposing a six-month term of imprisonment followed by three years of supervised release. We have jurisdiction under

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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).

28 U.S.C. § 1291. We review for reasonableness, *United States v. Peters*, 470 F.3d 907, 909 (9th Cir. 2006) (per curiam), and we affirm.

Pirtle contends that her sentence was unreasonable because the district court referenced her unsuccessful appeal of her original conviction and petition for writ of certiorari. The record reflects that the district court properly considered Pirtle's lack of contrition, along with factors set forth by 18 U.S.C. § 3553(a), and we conclude that the resultant sentence was reasonable. *See Rita v. United States*, 127 S. Ct. 2456, 2468-70 (2007); *see also United States v. Perez-Perez*, No. 06-30341, 2008 WL 53664, at \*2 (9th Cir. Jan 4. 2008).

**AFFIRMED.**