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**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NOT FOR PUBLICATION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.

ARMANDO BALTAZAR-GARCIA,
a.k.a. Armando Garcia Baltazar,

Defendant - Appellant.

No. 06-10308

D.C. No. CR-03-02202-DCB

MEMORANDUM*

Appeal from the United States District Court
for the District of Arizona
David C. Bury, District Judge, Presiding

Submitted October 22, 2007**

Before: B. FLETCHER, WARDLAW and IKUTA Circuit Judges.

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

* 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 Sentencing Guidelines were advisory. We have jurisdiction pursuant to 28 U.S.C. § 1291, and we affirm.

Baltazar-Garcia contends that his sentence is unreasonable because the district court failed to consider the factors contained in 18 U.S.C. § 3553(a). However, the district court considered the sentence upon limited remand and determined that it would not have imposed a materially different sentence under an advisory Guidelines system. We conclude that under any standard of review this sentence is reasonable.

AFFIRMED.