

MAR 10 2008

MOLLY DWYER, ACTING 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NOT FOR PUBLICATION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.

SERGIO SANCHEZ-MORPHIN,

Defendant - Appellant.

No. 06-10755

D.C. No. CR-05-00034-BES

MEMORANDUM\*

Appeal from the United States District Court  
for the District of Nevada  
Brian E. Sandoval, District Judge, Presiding

Submitted February 26, 2008\*\*

Before: BEEZER, FERNANDEZ, and McKEOWN, Circuit Judges.

Sergio Sanchez-Morphin appeals the 108-month sentence imposed following his jury trial conviction for distribution of methamphetamine and aiding and

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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).

abetting in violation of 21 U.S.C. § 841(a)(1) and 18 U.S.C. § 2. We have jurisdiction pursuant to 28 U.S.C. §1291, and we affirm.

Sanchez-Morphin contends that the district court provided an inadequate explanation for its failure to depart from the Guidelines range, and that the sentence is unreasonable. The record, however, reflects that Sanchez-Morphin failed to argue that the district court should depart based upon the grounds that he now asserts on appeal. *See Gall v. United States*, 128 S. Ct. 586, 599 (2007) (“it [is] not incumbent on the District Judge to raise every conceivably relevant issue on his own initiative.”). We conclude that the district court articulated its reasoning to the degree required for meaningful appellate review. *See Rita v. United States*, 127 S. Ct. 2456, 2468-69 (2007). Moreover, we conclude that Sanchez-Morphin’s sentence is not unreasonable in light of the factors set forth by 18 U.S.C. § 3553(a). *See Gall*, 128 S. Ct. at 597-98.

**AFFIRMED.**