

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NOT FOR PUBLICATION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.

JUAN VILLANUEVA-MACHADO,

Defendant - Appellant.

No. 06-50460

D.C. No. CR-03-02879-GT

MEMORANDUM*

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

Submitted February 26, 2008**

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

Juan Villanueva-Machado appeals from the ten-month sentence imposed following revocation of his supervised release. We have jurisdiction pursuant to 28 U.S.C. § 1291, and we vacate the sentence and remand.

* 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).

The record does not show that the district court considered the relevant factors contained in 18 U.S.C. § 3553(a) when sentencing Villanueva-Machado. *See United States v. Knows His Gun*, 438 F.3d 913, 918 (9th Cir. 2006) (requiring a showing that the district court considered the statutorily-designated factors in imposing a sentence).

Because we vacate and remand on this ground, we need not address Villanueva-Machado's remaining contentions.

VACATED and REMANDED.