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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>UNITED STATES OF AMERICA,</p> <p>Plaintiff - Appellee,</p> <p>v.</p> <p>PETER JAMES HOLLER,</p> <p>Defendant - Appellant.</p>

No. 06-50077

D.C. No. CR-01-00018-VAP-3

MEMORANDUM*

Appeal from the United States District Court
for the Central District of California
Virginia A. Phillips, District Judge, Presiding

Submitted March 18, 2008**

Before: CANBY, T.G. NELSON, and BEA, Circuit Judges.

Peter James Holler appeals from the district court's decision, following a limited remand under *United States v. Ameline*, 409 F.3d 1073, 1084-85 (9th Cir. 2005) (en banc), that it would not have imposed a different sentence had it known

* 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).

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

On appeal from an *Ameline* remand, where the district court determined that it would not have imposed a different sentence had it known that the Sentencing Guidelines were advisory, our task is to determine “[w]hether the district [court] properly understood the full scope of [its] discretion in a post-*Booker* world.” *United States v. Combs*, 470 F.3d 1294, 1297 (9th Cir. 2006). We also address any issues raised in the appellant’s initial appeal that were not decided prior to the *Ameline* remand. *See United States v. Thornton*, 511 F.3d 1221, 1227 (9th Cir. 2008).

In this case, we conclude that the district court understood “the full scope of [its] discretion in a post-*Booker* world.” *See Combs*, 470 F.3d at 1297. We also conclude that Holler has not raised any issues that are reviewable. *See id.*; *see also Thornton*, 511 F.3d at 1227.

AFFIRMED.