

APR 18 2008

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

IAN JUAN CIPRIANO,

Defendant - Appellant.

No. 07-10292

D.C. No. CR-01-00285-ROS

MEMORANDUM*

Appeal from the United States District Court
for the District of Arizona
Roslyn O. Silver, District Judge, Presiding

Submitted April 15, 2008**
San Francisco, California

Before: KOZINSKI, Chief Judge, GOULD and N.R. SMITH, Circuit Judges.

Ian Juan Cipriano (“Cipriano”) appeals the 51-month term of imprisonment imposed by the district judge upon the second revocation of Cipriano’s supervised

* This disposition is not appropriate for publication and is not precedent except as provided by Ninth Circuit Rule 36-3.

** The panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

release. We have jurisdiction under 28 U.S.C. § 1291. We review for reasonableness, *United States v. Miqbel*, 444 F.3d 1173, 1176 (9th Cir. 2006), and we affirm.¹

Cipriano argues that the district judge based his above-Guidelines sentence on improper considerations. We disagree, and conclude that the district court relied on permissible factors in revoking Cipriano's supervised release and formulating his sentence. *See* 18 U.S.C. § 3583; *Miqbel*, 444 F.3d at 1182–83.

AFFIRMED.

¹Because the parties are familiar with the factual and procedural history of this case, we do not recount it in detail here.