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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NOT FOR PUBLICATION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.

GERARDO PEREZ-RENDON,

Defendant - Appellant.

No. 07-50411

D.C. No. CR-03-02409-GT

MEMORANDUM*

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

Submitted June 18, 2008**

Before: REINHARDT, LEAVY, and W. FLETCHER, Circuit Judges.

Gerardo Perez-Rendon appeals from his 24-month sentence imposed following the revocation of supervised release. We have jurisdiction pursuant to 28 U.S.C. § 1291, and we affirm.

* 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).

Perez-Rendon contends that the district court based the sentence on impermissible factors. We reject this contention because the record indicates that the district court based the sentence on Perez-Rendon's criminal history and repeated violations of supervised release. *See United States v. Simtob*, 485 F.3d 1058, 1063 (9th Cir. 2007).

Perez-Rendon also contends that the district court did not adequately address his mitigating factors, and that the resulting sentence is unreasonable. We conclude that the district court gave an adequate explanation for the sentence, and that the sentence is substantively reasonable. *See United States v. Carty*, 520 F.3d 984, 992 (9th Cir. 2008) (en banc).

AFFIRMED.