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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NOT FOR PUBLICATION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. JESUS ANTONIO SANCHEZ-LLANES, Defendant - Appellant.	No. 07-50182 D.C. No. CR-06-02435-MLH-1 MEMORANDUM *

Appeal from the United States District Court
for the Southern District of California
Marilyn L. Huff, District Judge, Presiding

UNITED STATES OF AMERICA, Plaintiff - Appellee, v. JESUS ANTONIO SANCHEZ-LLANES, Defendant - Appellant.	No. 07-50216 D.C. No. CR-05-00081-MJL-1 MEMORANDUM *

Appeal from the United States District Court

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* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

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for the Southern District of California
M. James Lorenz, District Judge, Presiding

Submitted January 14, 2008**

Before: HALL, O'SCANNLAIN, and PAEZ, Circuit Judges.

Jesus Antonio Sanchez-Llanes appeals from the 21-month sentence imposed following his guilty-plea conviction for being a deported alien found in the United States, in violation of 8 U.S.C. § 1326(a) and enhanced by (b). He also appeals from the 12-month sentence imposed for revocation of his supervised release. We have jurisdiction pursuant to 28 U.S.C. § 1291, and we vacate and remand.

Sanchez-Llanes contends that the district court violated Fed. R. Crim. P. 32 by failing to resolve his objections to the Pre-Sentence Report ("PSR") before imposing his sentence. We agree. The district court failed to resolve Sanchez-Llanes' second set of objections in which he argued that the probation office proved only three of the four convictions listed in the PSR with judicially noticeable facts. *See United States v. Houston*, 217 F.3d 1204, 1207 (9th Cir. 2000) (recognizing that this court's precedent requires "strict compliance" with Rule 32).

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

Sanchez-Llanes also contends that the district court failed to conduct a proper 18 U.S.C. § 3553(a) analysis. We disagree. *See Rita v. United States*, 127 S. Ct. 2456, 2469 (2007); *see also United States v. Perez-Perez*, 512 F.3d 514, 516-17 (9th Cir. 2008). We cannot say the district court's sentencing decision constitutes an abuse of discretion. *See Gall v. United States*, 128 S. Ct. 586, 594 (2007).

We reject Sanchez-Llanes' contention that *Almendarez-Torres v. United States*, 523 U.S. 224 (1998), has been overruled. *See United States v. Maciel-Vasquez*, 458 F.3d 994, 995-96 (9th Cir. 2006).

In regard to Sanchez-Llanes' revocation of supervised release contentions, we conclude that the district court did not abuse its discretion by revoking his supervised release. Sanchez-Llanes' supervised release was revoked after he violated a federal law, thus he had constructive notice of the term he violated. *See United States v. Dane*, 570 F.2d 840, 843-44 (9th Cir. 1977).

Sanchez-Llanes' contention that 18 U.S.C. § 3583(e)(3) is unconstitutional is foreclosed by *United States v. Huerta-Pimental*, 445 F.3d 1220, 1224-25 (9th Cir. 2006). We reject Sanchez-Llanes' contention that *Huerta-Pimental* is no longer good law.

VACATED and REMANDED.