

MAR 05 2009

MOLLY C. DWYER, 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NOT FOR PUBLICATION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.

DELSON RAY RIVERS, aka Mickey  
Rivers,

Defendant - Appellant.

No. 08-10026

D.C. No. CR-01-00157-ROS

MEMORANDUM\*

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

Submitted February 18, 2009\*\*

Before: BEEZER, FERNANDEZ, and W. FLETCHER, Circuit Judges.

Delson Ray Rivers appeals from the 32-month sentence imposed upon  
revocation of supervised release. We have jurisdiction pursuant to 28 U.S.C.

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\* 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).

§ 1291, and we affirm.

Rivers contends that the district court erred by pre-determining his sentence and by imposing a sentence that punished him for the offenses underlying the revocation. We conclude that the district court did not commit procedural error and that the sentence is substantively reasonable. *See United States v. Carty*, 520 F.3d 984, 993 (9th Cir. 2008) (en banc); *see also United States v. Simtob*, 485 F.3d 1058, 1061-1064 (9th Cir. 2007).

**AFFIRMED.**