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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NOT FOR PUBLICATION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. FONDA K. MURGIA, Defendant - Appellant.	No. 08-10177 D.C. No. 2:04-cr-00361-FJM-1 MEMORANDUM*

Appeal from the United States District Court
for the District of Arizona
Frederick J. Martone, District Judge, Presiding

Submitted March 18, 2009**

Before: LEAVY, HAWKINS, and TASHIMA, Circuit Judges.

Fonda K. Murgia appeals from the 21-month sentence imposed following revocation of supervised release. We have jurisdiction pursuant to 28 U.S.C. § 1291, and we affirm.

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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).

EH/Research

Murgia contends that the district court erred by relying upon impermissible factors in fashioning a sentence consecutive to her state sentence. The record, however, demonstrates that the district court did not rely upon impermissible factors. *See United States v. Simtob*, 485 F.3d 1058, 1062-64 (9th Cir. 2007). Murgia also contends that her sentence is unreasonable in light of the factors listed in 18 U.S.C. § 3553(a) and that imposing the sentence to run consecutive to her state court sentence makes her sentence greater than necessary to meet the sentencing goals of § 3553(a). We conclude that the district court did not procedurally err, and that the sentence is reasonable. *See United States v. Carty*, 520 F.3d 984, 991-93 (9th Cir. 2008) (en banc).

AFFIRMED.