

APR 22 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NOT FOR PUBLICATION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.

JESUS MANUEL VALENZUELA-  
ANAYA,

Defendant - Appellant.

No. 07-10587

D.C. No. CR-07-00410-JMR

MEMORANDUM\*

Appeal from the United States District Court  
for the District of Arizona  
John M. Roll, District Judge, Presiding

Submitted April 13, 2009\*\*

Before: GRABER, GOULD, and BEA, Circuit Judges.

Jesus Manuel Valenzuela-Anaya appeals from the 51-month sentence imposed following his guilty-plea conviction for illegal re-entry after deportation,

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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).

in violation of 8 U.S.C. § 1326(a). We have jurisdiction pursuant to 28 U.S.C. § 1291, and we affirm.

Valenzuela-Anaya contends that the government's refusal to move for a third point reduction for acceptance of responsibility, pursuant to U.S.S.G. § 3E1.1(b), was arbitrary because it was not rationally related to a legitimate government end. This contention lacks merit. *See United States v. Medina-Beltran*, 542 F.3d 729, 731 (9th Cir. 2008).

**AFFIRMED.**