

AUG 17 2009

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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NOT FOR PUBLICATION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.

MICHAEL JACK OWL,

Defendant - Appellant.

No. 08-10523

D.C. No. 2:04-CR-50095-JAT

MEMORANDUM\*

Appeal from the United States District Court  
for the District of Arizona  
James A. Teilborg, District Judge, Presiding

Submitted August 11, 2009\*\*

Before: KLEINFELD, M. SMITH, and IKUTA, Circuit Judges.

Michael Jack Owl appeals from the sentence imposed following the revocation of his 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).

Owl contends that the district court's justifications for imposing a 45-month term of supervised release following a second supervised release revocation were insufficient. The supervised release term imposed was the maximum authorized by statute for Owl's underlying offense of aggravated sexual abuse. *See* 18 U.S.C. § 3583(h); *see also* U.S.S.G. § 5D1.2(b)(2) (policy statement) (recommending the statutory maximum term of supervised release for sex offenders). The record reflects that the district court's explanation for imposing the sentence was sufficient. Accordingly, the sentence is reasonable. *See Gall v. United States*, 128 S. Ct. 586, 596-97 (2007); *see also United States v. Simtob*, 485 F.3d 1058, 1062-63 (9th Cir. 2007).

**AFFIRMED.**