

OCT 06 2009

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>UNITED STATES OF AMERICA,</p> <p>Plaintiff - Appellee,</p> <p>v.</p> <p>AARON DANIEL BURSHIA,</p> <p>Defendant - Appellant.</p>
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No. 09-30002

D.C. No. 4:05-CR-00050-SEH

MEMORANDUM*

Appeal from the United States District Court
for the District of Montana
Sam E. Haddon, District Judge, Presiding

Submitted September 14, 2009**

Before: SILVERMAN, RAWLINSON, and CLIFTON, Circuit Judges.

Aaron Daniel Burshia appeals from the 15-month sentence imposed following the revocation of his supervised release. We have jurisdiction pursuant to 28 U.S.C. § 1291, and we affirm.

* 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). Accordingly, appellant’s request for oral argument is denied.

Burshia contends that the district court erred by failing to provide an adequate explanation for the sentence and that his sentence is unreasonable in light of his background and need for treatment. The record reflects that the district court did not procedurally err and that the sentence is substantively reasonable. *See United States v. Leonard*, 483 F.3d 635, 637 (9th Cir. 2007); *see also United States v. Simtob*, 485 F.3d 1058, 1062-63 (9th Cir. 2007).

AFFIRMED.