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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NOT FOR PUBLICATION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.

GREGORY MORRIS POWDERFACE,

Defendant - Appellant.

No. 09-30295

D.C. No. 4:04-cr-00056-SEH

MEMORANDUM*

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

Submitted February 16, 2010**

Before: FERNANDEZ, GOULD, and M. SMITH, Circuit Judges.

Gregory Morris Powderface appeals from the nine-month sentence imposed following 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 concludes this case is suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

Powderface contends his nine-month sentence is substantively unreasonable because prison alone does not serve the sentencing purposes of deterrence, protection of the public, and rehabilitation. In light of the totality of the circumstances of this case and the applicable 18 U.S.C. § 3553(a) sentencing factors, the sentence is substantively reasonable. *See* 18 U.S.C. § 3583(e)(3); *Gall v. United States*, 552 U.S. 38, 51 (2007); *see also United States v. Cope*, 527 F.3d 944, 952 (9th Cir. 2008) (applying reasonableness requirements to supervised release term).

AFFIRMED.