

MAR 26 2010

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NOT FOR PUBLICATION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.

JUSTIN DALE TENDOY,

Defendant - Appellant.

No. 09-30275

D.C. No. 4:08-CR-00099-SEH

MEMORANDUM*

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

Submitted March 16, 2010**

Before: SCHROEDER, PREGERSON, and RAWLINSON, Circuit Judges.

Justin Dale Tendoy appeals from the six-month sentence imposed upon the revocation of his probation. 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).

Tendoy contends that the sentence is unreasonable in light of his background, history, and treatment needs, and the fact that the district court placed undue weight on the guidelines range and the need for sanctions. The record reflects that the district court committed no procedural error, and that the sentence is substantively reasonable. *See United States v. Carty*, 520 F.3d 984, 993 (9th Cir. 2008) (en banc); *see also United States v. Peters*, 470 F.3d 907, 909 (9th Cir. 2006) (per curiam) (stating that sentences imposed upon revocation of probation are reviewed for reasonableness).

AFFIRMED.