

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

FILED

MAR 31 2010

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

DENNIS J. SITTMAN,

Defendant - Appellant.

No. 09-10302

D.C. No. 1:91-cr-00921-ACK

MEMORANDUM*

Appeal from the United States District Court
for the District of Hawaii
Alan C. Kay, District Judge, Presiding

Submitted March 16, 2010**

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

Dennis J. Sittman appeals from the district court's judgment revoking a previous term of supervised release and imposing a term of imprisonment and a

* 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).

new term of supervised release. We have jurisdiction pursuant to 28 U.S.C. § 1291, and we affirm.

Sittman contends that the district court procedurally erred by failing to explain its reasons for imposing another term of supervised release and contends that the new term of supervised release is substantively unreasonable. The record reflects that the district court did not procedurally err, and the sentence is not substantively unreasonable in light of the totality of the circumstances and the factors set forth in 18 U.S.C. § 3553(a). *See Gall v. United States*, 552 U.S. 38, 49-51 (2007); *United States v. Carty*, 520 F.3d 984, 992-93 (9th Cir. 2008) (en banc); *United States v. Miquel*, 444 F.3d 1173, 1181-82 (9th Cir. 2006).

AFFIRMED.