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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

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| <p>UNITED STATES OF AMERICA,</p> <p>Plaintiff - Appellee,</p> <p>v.</p> <p>JESUS AGUILA-FLORES,</p> <p>Defendant - Appellant.</p> |
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No. 09-50310

D.C. No. 3:07-cr-01269-GT

MEMORANDUM*

Appeal from the United States District Court
for the Southern District of California
Gordon Thompson, District Judge, Presiding

Submitted May 25, 2010**

Before: CANBY, THOMAS, and W. FLETCHER, Circuit Judges.

Jesus Aguila-Flores appeals from the 12-month sentence imposed upon revocation of supervised release. We have jurisdiction under 28 U.S.C. § 1291, and we affirm.

Aguila-Flores contends that the district court committed procedural error by,

* 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).

among other things, failing to explain the reasons underlying the sentence. The record indicates that the district court's sentencing explanation was adequate under the circumstances, and the court did not otherwise procedurally err. *See Rita v. United States*, 551 U.S. 338, 359 (2007); *United States v. Carty*, 520 F.3d 984, 992 (9th Cir. 2008) (en banc).

Aguila-Flores further contends that the sentence imposed was substantively unreasonable. Considering the totality of the circumstances, Aguila-Flores' within-Guidelines sentence was substantively reasonable. *See Gall v. United States*, 552 U.S. 38, 51 (2007); *see also Carty*, 520 F.3d at 993.

AFFIRMED.