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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NOT FOR PUBLICATION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 style="text-align: center;">Plaintiff - Appellee,</p> <p>v.</p> <p>ANTOINE LAMONT DOWNS, Jr., a.k.a. Paul Anthony Weaver, Jr.,</p> <p style="text-align: center;">Defendant - Appellant.</p>
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No. 10-50018

D.C. No. 2:06-cr-00552-ABC

MEMORANDUM*

Appeal from the United States District Court
for the Central District of California
Audrey B. Collins, District Judge, Presiding

Submitted November, 16, 2010**

Before: TASHIMA, BERZON, and CLIFTON, Circuit Judges.

Antoine Lamont Downs, Jr. appeals from the 18-month sentence imposed upon revocation of supervised release. We have jurisdiction under 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).

Downs contends that the district court procedurally erred by failing to respond to his mitigating arguments and to provide an adequate explanation for the sentence imposed. The record reflects that the district court explicitly noted that Downs' continued violations of the conditions of his supervised release constituted breach of trust, and that there was a need to protect the public and for deterrence. Thus, the district court did not procedurally err. *See United States v. Musa*, 220 F.3d 1096, 1101-02 (9th Cir. 2000); *see also United States v. Carty*, 520 F.3d 984, 991-93 (9th Cir. 2008) (en banc).

Downs also contends that his sentence is substantively unreasonable. The record reflects that, under the totality of circumstances, Downs' 18-month sentence is reasonable. *See Gall v. United States*, 552 U.S. 38, 51 (2007).

AFFIRMED.