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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NOT FOR PUBLICATION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.

DAVID CASAS-HERRERA,

Defendant - Appellant.

No. 10-50107

D.C. No. 3:06-cr-00810-WQH

MEMORANDUM*

Appeal from the United States District Court
for the Southern District of California
William Q. Hayes, District Judge, Presiding

Submitted November 16, 2010**

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

David Casas-Herrera appeals from the 10-month sentence imposed following revocation of his 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).

Casas-Herrera contends that the sentence is unreasonable because the district court procedurally erred in failing to adequately address his mitigating arguments and explain the reasons for imposing a 10-month sentence. The record reflects that the district court did not procedurally err. *See Rita v. United States*, 551 U.S. 338, 358-59 (2007). The record also reflects that, under the totality of the circumstances, Casas-Herrera's sentence is substantively reasonable. *See Gall v. United States*, 552 U.S. 38, 51-52 (2007); *see also United States v. Carty*, 520 F.3d 984, 991-93 (9th Cir. 2008) (en banc).

AFFIRMED.