

DEC 27 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NOT FOR PUBLICATION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.

JULIO ISRAEL CARDENAS-PORRAS,

Defendant - Appellant.

No. 10-50190

D.C. No. 3:10-cr-07008-GT

MEMORANDUM*

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

Submitted December 14, 2010**

Before: GOODWIN, WALLACE, and W. FLETCHER, Circuit Judges.

Julio Israel Cardenas-Porras appeals from the 15-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).

Cardenas-Porras contends that the district court procedurally erred at sentencing by: 1) treating the guidelines as presumptively reasonable; 2) failing to consider all of the 18 U.S.C. § 3553(a) sentencing factors; and 3) failing to adequately explain the sentence or address his mitigation arguments.

Cardenas-Porras further contends that the resulting sentence is substantively unreasonable. The record reflects that the district court did not procedurally err, and that, in light of the totality of the circumstances, the sentence is substantively reasonable. *See United States v. Carty*, 520 F.3d 984, 991-93 (9th Cir. 2008) (en banc).

AFFIRMED.