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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NOT FOR PUBLICATION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 style="text-align: center;">v.</p> <p>WILLIAM JUNIOR MONTANO,</p> <p style="text-align: center;">Defendant - Appellant.</p>
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No. 10-10263

D.C. No. 2:06-cr-00414-EHC

MEMORANDUM*

Appeal from the United States District Court
for the District of Arizona
Earl H. Carroll, District Judge, Presiding

Submitted March 8, 2011**

Before: FARRIS, LEAVY, and BYBEE, Circuit Judges.

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

Montano contends that the district court procedurally erred by failing to

* 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).

discuss the relevant factors set forth in 18 U.S.C. § 3553(a) or adequately explain its reasons for the high-end Guidelines sentence, and that this constitutes reversible error under *United States v. Hammons*, 558 F.3d 1100 (9th Cir. 2009). The record reflects that the district court appropriately considered section 3553(a) factors and did not procedurally err, and that the 12-month sentence is substantively reasonable under the totality of circumstances particularly in light of Montano's continued difficulty with abiding by the conditions of his supervised release as evidenced by the previous revocation and the fact that his last violation occurred only 3 weeks after he began his latest term of supervised release . *See United States v. Carty*, 520 F.3d 984, 991-93 (9th Cir. 2008) (en banc).

AFFIRMED.