

SEP 24 2012

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NOT FOR PUBLICATION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.

WILLIAM LAMBERT, Jr.,

a.k.a. Duta,

Defendant - Appellant.

No. 12-30012

D.C. No. 1:93-cr-00043-JDS

MEMORANDUM*

Appeal from the United States District Court
for the District of Montana
Jack D. Shanstrom, District Judge, Presiding

Submitted September 10, 2012**

Before: WARDLAW, CLIFTON, and N.R. SMITH, Circuit Judges.

William Lambert, Jr., appeals from the 24-month sentence imposed upon revocation of supervised release. We have jurisdiction under 28 U.S.C. § 1291,

* 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). Accordingly, appellant's request for oral argument is denied.

and we affirm.

Lambert contends that the district court erred under *United States v. Grant*, 664 F.3d 276 (9th Cir. 2011), when it imposed a term of imprisonment for the purpose of rehabilitation. The record reflects that the court did not impose a custodial sentence to promote Lambert's rehabilitation. Moreover, given Lambert's significant breach of trust, reflected by the fact that he violated conditions of his supervised release within weeks of being released, the sentence is substantively reasonable. *See* 18 U.S.C. § 3583(e); *United States v. Miquel*, 444 F.3d 1173, 1182 (9th Cir. 2006) (at a revocation sentencing, a district court may sanction the defendant for his breach of trust).

AFFIRMED.