

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

FILED

OCT 16 2012

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

VIRGIL MARC MEYERS,

Defendant - Appellant.

No. 12-30106

D.C. No. 9:11-cr-00044-DLC

MEMORANDUM*

Appeal from the United States District Court
for the District of Montana
Dana L. Christensen, District Judge, Presiding

Submitted October 9, 2012**

Before: RAWLINSON, MURGUIA, and WATFORD, Circuit Judges.

Virgil Marc Meyers appeals from the 12-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).

Meyers contends that the district court procedurally erred at sentencing by relying on his prior unprosecuted violations of the conditions of his supervised release. The district court did not err. Meyers's prior violations, which he did not dispute, were related to his history and characteristics, which the court must consider when imposing sentence. *See* 18 U.S.C. §§ 3553(a)(1), 3583(e).

Meyers also contends that the district court procedurally erred by failing to explain the sentence sufficiently. The record belies this contention.

Meyers finally contends that his sentence is substantively unreasonable. In light of the totality of the circumstances and the 18 U.S.C. § 3583(e) sentencing factors, the sentence is substantively reasonable. *See Gall v. United States*, 552 U.S. 38, 51 (2007).

AFFIRMED.