

APR 22 2013

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NOT FOR PUBLICATION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.

VICTOR MANUEL BOJORQUEZ-
ALVAREZ,

Defendant - Appellant.

No. 12-10378

D.C. No. 2:09-cr-00294-LDG

MEMORANDUM*

Appeal from the United States District Court
for the District of Nevada
Lloyd D. George, District Judge, Presiding

Submitted April 16, 2013**

Before: CANBY, IKUTA, and WATFORD, Circuit Judges.

Victor Manuel Bojorquez-Alvarez 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).

Bojorquez-Alvarez contends that his sentence is substantively unreasonable in light of the fact that, at the time of sentencing, he had already served an 18-month sentence for the immigration offense that triggered his revocation. The district court did not abuse its discretion in imposing Bojorquez-Alvarez's sentence. *See Gall v. United States*, 552 U.S. 38, 51 (2007). The 12-month sentence is substantively reasonable in light of Bojorquez-Alvarez's failure to be deterred and breach of the court's trust. *See* 18 U.S.C. § 3583(e); *United States v. Simtob*, 485 F.3d 1058, 1062-63 (9th Cir. 2007).

AFFIRMED.