

MAY 21 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NOT FOR PUBLICATION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.

MARIO ANGUIANO-SILVA,

Defendant - Appellant.

No. 12-50305

D.C. No. 3:10-cr-04850-WQH

MEMORANDUM*

Appeal from the United States District Court
for the Southern District of California
William Q. Hayes, District Judge, Presiding

Submitted May 14, 2013**

Before: LEAVY, THOMAS, and MURGUIA, Circuit Judges.

Mario Anguiano-Silva appeals from the 14-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).

Anguiano-Silva contends that the district court procedurally erred by failing to address his argument that a lower sentence was justified in light of the length of the sentence imposed for his new 8 U.S.C. § 1326 violation. We review for plain error, *see United States v. Valencia-Barragan*, 608 F.3d 1103, 1108 (9th Cir. 2010), and find none. The district court explained that a lower sentence would not adequately reflect the 18 U.S.C. § 3583(e) sentencing factors or appropriately sanction Anguiano-Silva for his breach of the court's trust.

Anguiano-Silva also contends that his sentence is substantively unreasonable. The district court did not abuse its discretion in imposing Anguiano-Silva's sentence. *See Gall v. United States*, 552 U.S. 38, 51 (2007). In light of the totality of the circumstances and the section 3583(e) sentencing factors, the below-Guidelines sentence is substantively reasonable. *See id.*

AFFIRMED.