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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NOT FOR PUBLICATION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>Plaintiff - Appellee,</p> <p>v.</p> <p>RICHARD ALVAREZ-AYALA,</p> <p>Defendant - Appellant.</p>

No. 12-50559

D.C. No. 2:12-cr-00706-DMG

MEMORANDUM*

Appeal from the United States District Court
for the Central District of California
Dolly M. Gee, District Judge, Presiding

Submitted September 24, 2013**

Before: RAWLINSON, N.R. SMITH, and CHRISTEN, Circuit Judges.

Richard Alvarez-Ayala appeals from the district court’s judgment and challenges the 12-month and one day sentence imposed upon revocation of supervised release. We have jurisdiction under 28 U.S.C. § 1291, and we affirm.

Alvarez-Ayala contends that the district court erred when it imposed a term

* 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).

of imprisonment for the purpose of rehabilitation. We review for plain error, *see United States v. Grant*, 664 F.3d 276, 279 (9th Cir. 2011), and find none. The record reflects that the district court discussed its hope that Alvarez-Ayala would deal with his underlying substance abuse problems but did not “impose or lengthen [the custodial] sentence to enable [Alvarez-Ayala] to complete a treatment program or otherwise promote rehabilitation.” *See id.* at 281 (*quoting Tapia v. United States*, 131 S. Ct. 2382, 2392 (2011)).

AFFIRMED.