

JAN 27 2014

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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NOT FOR PUBLICATION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>TWYLA DAWN BASIL,</p> <p>Defendant - Appellant.</p>
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No. 13-30180

D.C. No. 2:11-cr-00128-EJL

MEMORANDUM*

Appeal from the United States District Court
for the District of Idaho
Edward J. Lodge, District Judge, Presiding

Submitted January 21, 2014**

Before: CANBY, SILVERMAN, and PAEZ, Circuit Judges.

Twyla Dawn Basil appeals from the district court’s judgment and challenges the 11-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).

Basil contends that the district court procedurally erred by failing to adequately explain the sentence and by failing to respond to her mitigating arguments. We review for plain error, *see United States v. Valencia-Barragan*, 608 F.3d 1103, 1108 (9th Cir. 2010), and find none. The record reflects that the court heard the parties' arguments and agreed with the government that the 11-month sentence was necessary to protect the public. Basil has not shown a reasonable probability that she would have received a different sentence had the district court provided a more thorough explanation or directly responded to her sentencing arguments. *See United States v. Dallman*, 533 F.3d 755, 762 (9th Cir. 2008).

Basil also contends that her sentence is substantively unreasonable because the district court gave too much weight to the need to protect the public and did not account for her mitigating circumstances. The district court did not abuse its discretion in imposing Basil's sentence. *See Gall v. United States*, 552 U.S. 38, 51 (2007). The sentence is substantively reasonable in light of the 18 U.S.C. § 3583(e) sentencing factors and the totality of the circumstances, including Basil's repeated probation and supervised release violations, and the need to protect the public. *See id.*; *United States v. Gutierrez-Sanchez*, 587 F.3d 904, 908 (9th Cir.

2009) (“The weight to be given the various factors in a particular case is for the discretion of the district court.”).

AFFIRMED.