

FEB 27 2014

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

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>UNITED STATES OF AMERICA,</p> <p style="text-align: center;">Plaintiff - Appellee,</p> <p style="text-align: center;">v.</p> <p>EDISON BRADY, a.k.a. Brady Edison,</p> <p style="text-align: center;">Defendant - Appellant.</p>

No. 13-10273

D.C. No. 3:92-cr-00387-DGC

MEMORANDUM*

Appeal from the United States District Court
for the District of Arizona
Ronald S.W. Lew, District Judge, Presiding**

Submitted February 18, 2014***

Before: ALARCÓN, O’SANNLAIN, and FERNANDEZ, Circuit Judges.

Edison Brady appeals from the 45-month sentence imposed upon revocation of supervised release. We have jurisdiction under 28 U.S.C. § 1291, and we

* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

** The Honorable Ronald S.W. Lew, Senior United States District Judge for the Central District of California, sitting by designation.

*** The panel unanimously concludes this case is suitable for decision without oral argument. See Fed. R. App. P. 34(a)(2).

affirm.

Brady contends that the district court procedurally erred by failing to explain adequately the sentence. We review for plain error, *see United States v. Miquel*, 444 F.3d 1173, 1176 (9th Cir. 2006), and find none. The district court sufficiently explained the sentence. *See United States v. Musa*, 220 F.3d 1096, 1101 (9th Cir. 2000) (finding of danger to community sufficient under 18 U.S.C. § 3553(c)(2)).

Brady next contends that his sentence is substantively unreasonable because it was based primarily upon the need to punish him for his conduct, an impermissible sentencing factor in a supervised release revocation proceeding. The district court did not abuse its discretion in imposing Brady's sentence. *See Gall v. United States*, 552 U.S. 38, 51 (2007). The record does not support Brady's argument that the district court imposed a 45-month sentence to punish him. The above-Guidelines sentence is substantively reasonable in light of the 18 U.S.C. § 3583(e) sentencing factors and the totality of the circumstances, including Brady's dangerousness to the community and repeated violations of supervised release. *See id.*

AFFIRMED.