

MAR 13 2014

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NOT FOR PUBLICATION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.

FERNANDO ZAVALA-JACOBO,

Defendant - Appellant.

No. 13-50523

D.C. No. 3:11-cr-04273-IEG

MEMORANDUM*

Appeal from the United States District Court
for the Southern District of California
Irma E. Gonzalez, District Judge, Presiding

Submitted March 10, 2014**

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

Fernando Zavala-Jacobo appeals from the district court's judgment and challenges the six-month consecutive 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).

Zavala-Jacobo contends that the district court procedurally erred by failing to explain adequately why it imposed the sentence it did, why it declined to grant a greater downward variance, and why it was not persuaded by his sentencing arguments. We review for plain error, *see United States v. Miqbel*, 444 F.3d 1173, 1176 (9th Cir. 2006), and find none. The district court explained the sentence sufficiently to permit meaningful appellate review. *See United States v. Carty*, 520 F.3d 984, 992 (9th Cir. 2008) (en banc).

Zavala-Jacobo also contends that the sentence is substantively unreasonable because it is punitive, is greater than necessary to accomplish the goals of sentencing, and does not account for mitigating factors. We review for abuse of discretion, *see Gall v. United States*, 552 U.S. 38, 51 (2007), and find none. The sentence is substantively reasonable in light of the 18 U.S.C. § 3583(e) sentencing factors and the totality of the circumstances, including Zavala-Jacobo's criminal history and breach of trust. *See* U.S.S.G. § 7B1.3(f); *Miqbel*, 444 F.3d at 1181-82.

AFFIRMED.