

APR 11 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NOT FOR PUBLICATION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.

ERIC LAMONT WILLOUGHBY,

Defendant - Appellant.

No. 13-10424

D.C. No. 2:09-cr-00185-PMP

MEMORANDUM*

Appeal from the United States District Court
for the District of Nevada
Philip M. Pro, District Judge, Presiding

Submitted April 7, 2014**

Before: TASHIMA, GRABER, and IKUTA, Circuit Judges.

Eric Lamont Willoughby appeals from the district court's judgment and challenges the 12-month-and-one-day term of imprisonment and the two-year term of supervised release 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).

Willoughby contends that his sentence is substantively unreasonable in light of the mitigating factors and the staleness of one of his supervised release violations. The district court did not abuse its discretion in imposing Willoughby's sentence. *See Gall v. United States*, 552 U.S. 38, 51 (2007). The court found that Willoughby violated three conditions of supervised release. The sentence is substantively reasonable in light of the statutory sentencing factors and Willoughby's breach of the court's trust. *See* 18 U.S.C. § 3583(e); *United States v. Miqbel*, 444 F.3d 1173, 1182 (9th Cir. 2006).

AFFIRMED.