

AUG 18 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NOT FOR PUBLICATION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>ARNULFO RICARDO MARTINEZ,</p> <p>Defendant - Appellant.</p>

No. 13-30323

D.C. No. 2:06-cr-02119-WFN

MEMORANDUM*

Appeal from the United States District Court
for the Eastern District of Washington
Wm. Fremming Nielsen, District Judge, Presiding

Submitted August 13, 2014**

Before: SCHROEDER, THOMAS, and HURWITZ, Circuit Judges.

Arnulfo Ricardo Martinez appeals from the district court’s judgment and challenges the 24-month sentence imposed upon revocation of supervised release.

We have jurisdiction under 28 U.S.C. § 1291, and we affirm.

Martinez contends that the district court procedurally erred by failing to

* 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).

explain the sentence adequately in light of the 18 U.S.C. § 3553(a) sentencing factors and his 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 district court considered Martinez’s mitigating arguments and the relevant sentencing factors but determined that a low-end, consecutive sentence was warranted because Martinez violated supervised release by committing another drug offense. *See United States v. Simtob*, 485 F.3d 1058, 1062-63 (9th Cir. 2007).

Martinez also contends that the district court imposed a substantively unreasonable sentence. The district court did not abuse its discretion in imposing Martinez’s sentence. *See Gall v. United States*, 552 U.S. 38, 51 (2007). The sentence is substantively reasonable in light of the section 3583(e) sentencing factors and the totality of the circumstances, including Martinez’s breach of the court’s trust. *See U.S.S.G. § 7B1.3(f); Simtob*, 485 F.3d at 1063.

AFFIRMED.