

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

FILED

NOV 21 2014

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

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

KISHA LYN MASGA KING,

Defendant - Appellant.

No. 14-10013

D.C. No. 1:09-cr-00004-RVM

MEMORANDUM*

Appeal from the United States District Court
for the District of the Northern Mariana Islands
Ramona V. Manglona, Chief Judge, Presiding

Submitted November 18, 2014**

Before: LEAVY, FISHER, and N.R. SMITH, Circuit Judges.

Kisha Lyn Masga King 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.

King contends that the district court procedurally erred at sentencing by

* 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).

(i) relying improperly on the need to punish and to promote rehabilitation, (ii) failing to consider the 18 U.S.C. § 3583(e) sentencing factors, and (iii) failing to explain the above-Guidelines sentence. 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 did not impose the sentence for punitive purposes. Moreover, although the court did discuss its hope that King would deal with her substance abuse problem, it did not impose or lengthen her sentence to promote rehabilitation. *See United States v. Grant*, 664 F.3d 276, 281-82 (9th Cir. 2011). Finally, the court adequately considered the section 3583(e) sentencing factors and explained that the 11-month sentence was warranted in light of King's failure to be deterred and repeated breaches of the court's trust. *See United States v. Carty*, 520 F.3d 984, 992 (9th Cir. 2008) (en banc).

AFFIRMED.