

JAN 29 2015

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NOT FOR PUBLICATION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.

MICHAEL W. RYAN,

Defendant - Appellant.

No. 14-30123

D.C. No. 1:06-cr-00073-SPW

MEMORANDUM*

Appeal from the United States District Court
for the District of Montana
Susan P. Watters, District Judge, Presiding

Submitted January 21, 2015**

Before: CANBY, GOULD, and N.R. SMITH, Circuit Judges.

Michael W. Ryan appeals pro se the district court's denial of his motion to terminate early his 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).

Ryan contends that the district court abused its discretion in denying his motion to terminate his supervised release by failing to use the correct legal standard and by improperly relying on the allegedly harsh sentence he received for the underlying offense. Contrary to Ryan's contention, the district court properly identified the relevant 18 U.S.C. § 3553(a) factors, considered Ryan's arguments, and applied the correct legal standard in determining that early termination of supervised release was not warranted by his conduct and the interest of justice. *See* 18 U.S.C. § 3583(e)(1); *United States v. Emmett*, 749 F.3d 817, 819 (9th Cir. 2014).

Ryan also alleges that the district court improperly denied early termination of supervised release based on out-of-court communications with the sentencing judge. Ryan's allegation has no support in the record.

Ryan's motion to enlarge the record on appeal, or, in the alternative, for judicial notice is **DENIED**.

AFFIRMED.