

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

APR 10 2015

FOR THE NINTH CIRCUIT

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

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

JUAN NAZAHUA-RAMIREZ, a.k.a. Juan
Ramirez,

Defendant - Appellant.

No. 14-10327

D.C. No. 2:10-cr-01090-JAT

MEMORANDUM*

Appeal from the United States District Court
for the District of Arizona
Howard D. McKibben, District Judge, Presiding**

Submitted April 7, 2015***

Before: FISHER, TALLMAN, and NGUYEN, Circuit Judges.

Juan Nazahua-Ramirez appeals the 15-month sentence imposed upon
revocation of supervised release. We have jurisdiction under 28 U.S.C. § 1291,

* This disposition is not appropriate for publication and is not precedent
except as provided by 9th Cir. R. 36-3.

** The Honorable Howard D. McKibben, Senior United States District
Judge for the District of Nevada, sitting by designation.

*** The panel unanimously concludes this case is suitable for decision
without oral argument. See Fed. R. App. P. 34(a)(2).

and we affirm.

Nazahua-Ramirez contends the district court procedurally erred by failing to explain adequately its within-Guidelines sentence. We review for plain error, *see United States v. Hammons*, 558 F.3d 1100, 1103 (9th Cir. 2009), and find none.

The record, taken as a whole, reflects that the district court “considered the parties’ arguments and had a reasoned basis for exercising his own legal decisionmaking authority.” *Rita v. United States*, 551 U.S. 338, 356 (2007).

Nazahua-Ramirez further contends that his sentence is substantively unreasonable in light of the statutory sentencing factors and his having already been punished for the underlying criminal conduct that resulted in the revocation. The district court did not abuse its discretion in imposing Nazahua-Ramirez’s sentence. *See Gall v. United States*, 552 U.S. 38, 51 (2007). The sentence is substantively reasonable in light of the 18 U.S.C. § 3583(e) sentencing factors and the totality of the circumstances, including the need to deter Nazahua-Ramirez from illegally returning to the United States.

AFFIRMED.