

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

SEP 2 2015

FOR THE NINTH CIRCUIT

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

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

WENDOLYN HOWARD,

Defendant - Appellant.

No. 14-10457

D.C. No. 2:04-cr-00246-RLH

MEMORANDUM*

Appeal from the United States District Court
for the District of Nevada
Roger L. Hunt, District Judge, Presiding

Submitted August 25, 2015**

Before: McKEOWN, CLIFTON, and HURWITZ, Circuit Judges.

Wendolyn Howard appeals from the district court's judgment and challenges the 20-month sentence imposed upon revocation of supervised release. We have jurisdiction under 28 U.S.C. § 1291, and we affirm.

Howard contends that the sentence imposed by the district court is

* 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).

substantively unreasonable because it fails to account for his rehabilitative efforts and his acquittal of the most serious charges before him in state court. The district court did not abuse its discretion in imposing Howard's sentence. *See Gall v. United States*, 552 U.S. 38, 51 (2007). The above-Guidelines sentence is substantively reasonable in light of the 18 U.S.C. § 3583(e) factors and the totality of the circumstances, including Howard's violent history and how rapidly he violated the conditions of his supervised release. *See Gall*, 552 U.S. at 51.

AFFIRMED.