

OCT 19 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NOT FOR PUBLICATION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,

Petitioner - Appellee,

v.

VICTOR MANUEL VILLALOBOS-
ESTRADA,

Defendant - Appellant.

No. 15-50208

D.C. No. 3:14-cr-00003-BEN

MEMORANDUM*

Appeal from the United States District Court
for the Southern District of California
Roger T. Benitez, District Judge, Presiding

Submitted October 14, 2015**

Before: SILVERMAN, BYBEE, and WATFORD, Circuit Judges.

Victor Manuel Villalobos-Estrada appeals from the district court's judgment and challenges the 12-month prison sentence and two-year term of supervised release imposed upon revocation of supervised release. We have jurisdiction under

* 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).

28 U.S.C. § 1291, and we affirm.

First, Villalobos-Estrada argues that the district court failed to consider the “parsimony principle” under 18 U.S.C. § 3553(a). This argument is unpersuasive. The court’s description of the 12-month sentence as “reasonable” was based on its analysis of the statutory sentencing factors, which reflect the parsimony principle.

Next, Villalobos-Estrada asserts that the district court erred by basing the sentence on the costs associated with prosecution. We disagree. Notwithstanding the court’s passing reference to judicial resources while discussing whether Villalobos-Estrada could relocate his family to Mexico, the record reflects that the court based the sentence on the statutory sentencing factors, including the need to deter.

Finally, Villalobos-Estrada argues that both his prison term and his term of supervised release are substantively unreasonable. The district court did not abuse its discretion in imposing sentence. *See Gall v. United States*, 552 U.S. 38, 51 (2007). Both the prison term and the period of supervised release are substantively reasonable in light of the relevant sentencing factors and the totality of the circumstances. *See id.*; *United States v. Castro-Verdugo*, 750 F.3d 1065, 1072 (9th Cir. 2014).

AFFIRMED.