

FEB 29 2016

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NOT FOR PUBLICATION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.

JAMES STANLEY HATLEY,

Defendant - Appellant.

No. 15-30164

D.C. No. 6:13-cr-00007-SEH

MEMORANDUM*

Appeal from the United States District Court
for the District of Montana
Sam E. Haddon, District Judge, Presiding

Submitted February 24, 2016**

Before: LEAVY, FERNANDEZ, and RAWLINSON, Circuit Judges.

James Stanley Hatley appeals from the district court's order denying his motion for a sentence reduction under 18 U.S.C. § 3582(c)(2). We have jurisdiction under 28 U.S.C. § 1291. We review the denial of a section 3582(c)(2)

* 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). Hatley's request for oral argument is denied.

motion for abuse of discretion, *see United States v. Dunn*, 728 F.3d 1151, 1155 (9th Cir. 2013), and we affirm.

Hatley contends that the district court abused its discretion by declining to reduce his sentence based on the substantial assistance he previously provided and his post-sentencing rehabilitative efforts. We disagree. The court understood that the Guidelines range had been lowered, but concluded that the original 60-month sentence, which was below even the recalculated range, was warranted in light of the 18 U.S.C. § 3553(a) factors. *See id.* at 1158-60. Contrary to Hatley's suggestion, the Guidelines did not require the court to grant a reduction comparable to the reduction that it originally granted. *See U.S.S.G. § 1B1.10(b)(2)(B) & cmt. n.3.*

AFFIRMED.