

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

MAY 31 2016

FOR THE NINTH CIRCUIT

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

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

BERNARD LEYVA,

Defendant - Appellant.

No. 15-10343

D.C. No. 2:05-cr-00165-JCM

MEMORANDUM*

Appeal from the United States District Court
for the District of Nevada
James C. Mahan, District Judge, Presiding

Submitted May 24, 2016**

Before: REINHARDT, W. FLETCHER, and OWENS, Circuit Judges.

Bernard Leyva appeals from the district court's order denying his motion for sentence reduction under 18 U.S.C. § 3582(c)(2). We have jurisdiction under 28 U.S.C. § 1291 and we affirm.

Leyva argues that the district court procedurally erred by failing to consider

* This disposition is not appropriate for publication and is not precedent except as provided by Ninth Circuit Rule 36-3.

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

and address his non-frivolous mitigating arguments. The record reflects that the district court considered the relevant sentencing factors and appropriately addressed the parties' arguments. *See United States v. Carty*, 520 F.3d 984, 991-92 (9th Cir. 2008) (en banc); *United States v. Ruiz-Apolonio*, 657 F.3d 907, 920 (9th Cir. 2011) ("The district court is not required to provide a detailed explanation as to each of its reasons for rejecting every argument made by counsel."). Leyva next contends that, in light of his efforts at rehabilitation and his familial support, it was substantively unreasonable for the district court to deny his motion.

Considering the 18 U.S.C. § 3553(a) sentencing factors and the totality of the circumstances, including Leyva's in-custody disciplinary record, the district court did not abuse its discretion. *See United States v. Dunn*, 728 F.3d 1151, 1159-60 (9th Cir. 2013).

AFFIRMED.