

MAY 31 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NOT FOR PUBLICATION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.

JESUS CASTANEDA-CEJA,

Defendant - Appellant.

No. 15-10370

D.C. No. 3:04-cr-00149-LRH

MEMORANDUM*

Appeal from the United States District Court
for the District of Nevada
Larry R. Hicks, District Judge, Presiding

Submitted May 24, 2016**

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

Jesus Castaneda-Ceja appeals from the district court's judgment and challenges the 18-month sentence imposed upon revocation of supervised release.

We have jurisdiction under 28 U.S.C. § 1291, and we affirm.

* 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).

Castaneda-Ceja contends that his sentence is substantively unreasonable in light of his age, the nonviolent nature of his violation, and the fact that he was already punished for the conduct underlying the revocation. The district court did not abuse its discretion in imposing Castaneda-Ceja's sentence. *See Gall v. United States*, 552 U.S. 38, 51 (2007). The 18-month sentence is substantively reasonable in light of the 18 U.S.C. § 3583(e) sentencing factors and the totality of the circumstances, including Castaneda-Ceja's criminal and immigration history and his breach of the court's trust. *See Gall*, 552 U.S. at 51; *United States v. Simtob*, 485 F.3d 1058, 1063 (9th Cir. 2007) (breaching the court's trust by violating supervised release is a "separately and distinctly offensive" act warranting a sentence consecutive to that imposed for new criminal conduct).

AFFIRMED.