

JUN 20 2016

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U.S. COURT OF APPEALS

## NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

CARLOS JAVIER LOPEZ,

Defendant - Appellant.

No. 15-10363

D.C. No. 2:04-cr-00375-RLH

MEMORANDUM\*

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

Submitted June 14, 2016\*\*

Before: BEA, WATFORD, and FRIEDLAND, Circuit Judges.

Carlos Javier Lopez 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, and we affirm.

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\* 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).

Lopez argues that the district court erred by failing to consider and address his non-frivolous arguments in favor of a reduced sentence and by denying his section 3582(c)(2) motion based exclusively on his post-sentencing prison disciplinary record. The record reflects that the district court considered the relevant sentencing factors and appropriately addressed the parties' arguments. *See 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."); *United States v. Carty*, 520 F.3d 984, 991-92 (9th Cir. 2008) (en banc). Moreover, considering the 18 U.S.C. § 3553(a) sentencing factors and the totality of the circumstances, including Lopez's prison disciplinary record and the need to protect the public, the district court did not abuse its discretion by denying Lopez's motion. *See United States v. Lightfoot*, 626 F.3d 1092, 1096 (9th Cir. 2010).

**AFFIRMED.**