

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

AUG 1 2016

FOR THE NINTH CIRCUIT

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

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

v.

ELISEO LOPEZ MARTINEZ, a.k.a.
Mateo, a.k.a. Teo,

Defendant-Appellant.

No. 15-30362

D.C. No. 1:13-cr-00026-SPW

MEMORANDUM*

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

Submitted July 26, 2016**

Before: SCHROEDER, CANBY, and CALLAHAN, Circuit Judges.

Eliseo Lopez Martinez 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 for abuse of discretion, *see*

* 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)*.

United States v. Dunn, 728 F.3d 1151, 1155 (9th Cir. 2013), and we affirm.

Lopez Martinez contends that the district court should have reduced his sentence under Amendment 782 in light of his positive post-sentencing conduct, his age, and the fact that he will be deported upon his release from prison.

Contrary to Lopez Martinez's contention, the record reflects that the district court considered these circumstances, but concluded that a reduction was not warranted because of the "extreme danger to the community" that Lopez Martinez poses and because of his leadership role in the offense. The district court did not abuse its discretion in denying Lopez Martinez's motion. See U.S.S.G. § 1B1.10 cmt. n.1(B); *United States v. Lightfoot*, 626 F.3d 1092, 1096 (9th Cir. 2010).

AFFIRMED.