

AUG 01 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NOT FOR PUBLICATION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.

RAMIRO LOPEZ-AQUIRRE, a.k.a.
Hector Lopez, a.k.a. Ramiro Lopez, a.k.a.
Ramiro Lopez-Aguirre,

Defendant - Appellant.

No. 15-50219

D.C. No. 3:14-cr-07131-GT

MEMORANDUM*

Appeal from the United States District Court
for the Southern District of California
Gordon Thompson, Jr., District Judge, Presiding

Submitted July 26, 2016**

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

Ramiro Lopez-Aquirre appeals from the district court's judgment and challenges the 24-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).

Lopez-Aquirre contends that the district court procedurally erred by failing to respond to his mitigating arguments. We review for harmless error, *see United States v. Munoz-Camarena*, 631 F.3d 1028, 1030 & n.5 (9th Cir. 2011), and find none. The record reflects that the district court listened to Lopez-Aquirre’s mitigating arguments. Moreover, the district court’s reasons for imposing the sentence are apparent from the record. *See United States v. Carty*, 520 F.3d 984, 992 (9th Cir. 2008) (en banc) (“[A]dequate explanation in some cases may also be inferred from the PSR or the record as a whole.”). Nothing more was required. *See Rita v. United States*, 551 U.S. 338, 358-59 (2007).

AFFIRMED.