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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NOT FOR PUBLICATION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.

MICHAEL McLOONE,

Defendant-Appellant.

No. 15-30344

D.C. No. 3:09-cr-00018-RRB

MEMORANDUM*

Appeal from the United States District Court
for the District of Alaska
Ralph R. Beistline, District Judge, Presiding

Submitted November 16, 2016**

Before: LEAVY, BERZON and MURGUIA, Circuit Judges.

Michael McLoone 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 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).

McLoone contends that his sentence is substantively unreasonable in light of his mental health issues and the district court's belief that no period of incarceration would deter him. The court did not abuse its discretion in imposing McLoone's sentence. *See Gall v. United States*, 552 U.S. 38, 51 (2007). The sentence is substantively reasonable in light of the section 18 U.S.C. § 3583(e) sentencing factors and the totality of the circumstances, including McLoone's criminal history and the need to protect the public. *See Gall*, 552 U.S. at 51 (2007). Moreover, the record reflects that the district court sufficiently explained its reasons for imposing the within-Guidelines sentence. *See United States v. Carty*, 520 F.3d 984, 992 (9th Cir. 2008) (en banc).

AFFIRMED.