

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

JAN 24 2017

FOR THE NINTH CIRCUIT

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

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

v.

MARCOS DE JESUS-ZEFERINO,

Defendant-Appellant.

No. 16-50253

D.C. No. 3:16-cr-07064-WQH

MEMORANDUM*

Appeal from the United States District Court
for the Southern District of California
William Q. Hayes, District Judge, Presiding

Submitted January 18, 2017**

Before: TROTT, TASHIMA, and CALLAHAN, Circuit Judges.

Marcos De Jesus-Zeferino appeals from the district court's judgment and challenges the nine-month consecutive sentence imposed upon revocation of supervised release. We have jurisdiction under 28 U.S.C. § 1291, and we affirm.

De Jesus-Zeferino claims that the district court procedurally erred by failing

* 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).

to address his arguments for a low-end sentence. We disagree. The record reflects that the court considered De Jesus-Zeferino's arguments and sufficiently explained its reasons for concluding that a mid-range sentence was warranted. *See United States v. Carty*, 520 F.3d 984, 992 (9th Cir. 2008) (en banc).

De Jesus-Zeferino's unopposed motion to take judicial notice of the presentence report is granted.

AFFIRMED.