

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

FEB 22 2017

FOR THE NINTH CIRCUIT

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

UNITED STATES OF AMERICA,

No. 16-30067

Plaintiff-Appellee,

D.C. No. 4:02-cr-00108-SEH

v.

MEMORANDUM*

MATHEW DOUGLAS WINCHELL,

Defendant-Appellant.

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

Submitted February 14, 2017**

Before: GOODWIN, FARRIS, and FERNANDEZ, Circuit Judges.

Mathew Douglas Winchell 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.

* 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). Appellant's request for oral argument is denied.

Winchell contends that the district court abused its discretion by declining to reduce his sentence under Amendment 782 to the Sentencing Guidelines. The district court acted within its discretion when it denied Winchell a sentence reduction based on the large quantities of drugs he supplied over a long period of time, his managerial role in the drug distribution enterprise, and the fact that he engaged in illegal activity in the presence of children. *See* U.S.S.G. § 1B1.10 cmt. n.1(B); *United States v. Lightfoot*, 626 F.3d 1095-96, 1096 (9th Cir. 2010). Furthermore, notwithstanding the court's failure to specifically address Winchell's argument concerning his post-offense conduct, the court's explanation of its denial was sufficient. *See United States v. Carty*, 520 F.3d 984, 992 (9th Cir. 2008) (en banc).

AFFIRMED.