

DEC 21 2017

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NOT FOR PUBLICATION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.

KENNETH J. SMITH, a.k.a. K. J. Smith,

Defendant - Appellant.

No. 17-30063

D.C. No. 3:11-cr-00160-HZ

MEMORANDUM*

Appeal from the United States District Court
for the District of Oregon
Marco A. Hernandez, District Judge, Presiding

Submitted December 18, 2017**

Before: WALLACE, SILVERMAN, and BYBEE, Circuit Judges.

Kenneth J. Smith appeals the district court's denial of his motion for early termination of probation. 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).

Smith contends that the district court procedurally erred in denying his motion for early termination of probation without providing an adequate explanation for its rejection of his arguments. We review for plain error, *see United States v. Rangel*, 697 F.3d 795, 800 (9th Cir. 2012), and conclude that there is none. The district court held a hearing on Smith’s motion. The record reflects that it considered all of the parties’ arguments, including Smith’s arguments regarding his post-sentencing achievements. The court denied Smith’s motion because, despite his accomplishments while on probation, Smith had not yet accomplished the original goals of his sentence, including paying restitution. The explanation given was enough to “permit meaningful appellate review,” *United States v. Carty*, 520 F.3d 984, 992 (9th Cir. 2008) (en banc). A more thorough explanation of why the court rejected each of Smith’s arguments was not required. *See United States v. Sandoval-Orellana*, 714 F.3d 1174, 1181 (9th Cir. 2013).

AFFIRMED.