NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

FILED

SEP 28 2015

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

UNITED STATES OF AMERICA, Plaintiff - Appellee, v. CHARLES MAURICE BELGARDE, Defendant - Appellant.	No. 14-10490 D.C. No. 2:05-cr-50128-JAT MEMORANDUM*

Appeal from the United States District Court
for the District of Arizona
James A. Teilborg, District Judge, Presiding

Submitted September 21, 2015**

Before: REINHARDT, LEAVY, and BERZON, Circuit Judges.

Charles Maurice Belgarde appeals from the 18-month sentence imposed upon revocation of supervised release. We have jurisdiction under 28 U.S.C. § 1291, and we affirm.

Belgarde contends that his sentence is substantively unreasonable in light of

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* 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).

the long period of time between his violation conduct and sentencing, and other mitigating circumstances. The district court did not abuse its discretion in imposing Belgarde's sentence. *See Gall v. United States*, 552 U.S. 38, 51 (2007). The within-Guidelines sentence is substantively reasonable in light of the 18 U.S.C. § 3583(e) sentencing factors and the totality of the circumstances, including the speed with which Belgarde violated his supervised release and the need to protect the public. *See Gall*, 552 U.S. at 51; *see also United States v. Garrett*, 253 F.3d 443, 449-50 (9th Cir. 2001) (court may postpone adjudication of a supervised release violation until a defendant is released from state custody).

In an untimely pro se reply brief, Belgarde also argues that the district court imposed the sentence to punish his violation conduct and previous criminal acts. Even if this argument were properly before the court, it would fail because it is not supported by the record.

AFFIRMED.