

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

OCT 30 2018

FOR THE NINTH CIRCUIT

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

UNITED STATES OF AMERICA,

No. 17-10048

Plaintiff-Appellee,

D.C. No. 3:09-cr-00988-CRB

v.

MAURICIO AGUILERA,

MEMORANDUM*

Defendant-Appellant.

Appeal from the United States District Court
for the Northern District of California
Charles R. Breyer, District Judge, Presiding

Submitted October 22, 2018**

Before: SILVERMAN, GRABER, and GOULD, Circuit Judges

Mauricio Aguilera appeals from the district court's order granting in part his motion for a sentence reduction under 18 U.S.C. § 3582(c)(2). We have jurisdiction under 28 U.S.C. § 1291. We review discretionary denials of sentence reduction motions for abuse of discretion, *see United States v. Chaney*, 581 F.3d

* 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).

1123, 1125 (9th Cir. 2009), and we affirm.

It is undisputed that Aguilera is statutorily eligible for a sentence reduction under Amendment 782 to the Guidelines, and that the district court concluded that a sentence reduction from 168 months to 135 months was warranted in this case. However, Aguilera contends that the district court did not adequately explain its reasons for rejecting his request for a 120-month sentence. Under *Chavez-Meza v. United States*, 138 S. Ct. 1959 (2018), the district court's explanation was sufficient. In light of the record at the original sentencing and the district court's certification that it considered Aguilera's motion and took into account the relevant Guideline policy statements and the 18 U.S.C. § 3553(a) sentencing factors, the district court's orders demonstrate that it considered the parties' arguments and that it had a reasoned basis for exercising its legal decisionmaking authority. See *Chavez-Meza*, 138 S. Ct. at 1966.

To the extent that Aguilera seeks to raise additional issues for the first time in his reply brief, we decline to consider them. See *United States v. Kama*, 394 F.3d 1236, 1238 (9th Cir. 2005).

AFFIRMED.