

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

SEP 16 2020

FOR THE NINTH CIRCUIT

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

UNITED STATES OF AMERICA,

No. 20-30087

Plaintiff-Appellee,

D.C. No. 1:17-cr-02023-LRS-1

v.

MEMORANDUM\*

JOSE MARTINEZ, Jr.,

Defendant-Appellant.

Appeal from the United States District Court  
for the Eastern District of Washington  
Lonny R. Suko, District Judge, Presiding

Submitted September 8, 2020\*\*

Before: TASHIMA, SILVERMAN, and OWENS, Circuit Judges.

Jose Martinez, Jr., appeals from the district court's judgment revoking his supervised release and imposing a sentence of 12 months and one day in prison, to be followed by a 12-month term of supervised release. Martinez challenges only the 12-month term of supervision. We have jurisdiction under 28 U.S.C. § 1291,

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\* 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).

and we affirm.

Martinez contends that the supervised release term is substantively unreasonable because he is not amenable to supervision. The district court did not abuse its discretion. *See Gall v. United States*, 552 U.S. 38, 51 (2007). The record reflects that the district court imposed the term of supervision to afford adequate deterrence to Martinez's criminal conduct and to protect the public from further crimes in light of Martinez's multiple supervised release violations and continued non-compliance. The sentence is substantively reasonable in light of the 18 U.S.C. § 3583(e) sentencing factors and the totality of the circumstances. *See Gall*, 552 U.S. at 51; *United States v. Hurt*, 345 F.3d 1033, 1036 (9th Cir. 2003) ("A violation of the conditions of supervised release does not obviate the need for further supervision, but rather confirms the judgment that supervision was necessary.").

**AFFIRMED.**