

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

FEB 28 2022

FOR THE NINTH CIRCUIT

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

UNITED STATES OF AMERICA,

No. 21-30187

Plaintiff-Appellee,

D.C. No. 1:18-cr-02075-SMJ-1

v.

ADAM COLTEN HOWELL,

MEMORANDUM*

Defendant-Appellant.

Appeal from the United States District Court
for the Eastern District of Washington
Salvador Mendoza, Jr., District Judge, Presiding

Submitted February 15, 2022**

Before: FERNANDEZ, TASHIMA, and FRIEDLAND, Circuit Judges.

Adam Colten Howell appeals from the district court's judgment and challenges the nine-month sentence imposed upon his second revocation of supervised release. We have jurisdiction under 28 U.S.C. § 1291, and we affirm.

Howell contends that the sentence is substantively unreasonable in light of

* 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).

his housing instability and the allegedly minor nature of his violation, and because he does not pose a threat to the community. The district court did not abuse its discretion. *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. § 3553(a) sentencing factors and the totality of the circumstances, including Howell's consistent disregard for his obligation to maintain contact with probation. *See Gall*, 552 U.S. at 51. Moreover, contrary to Howell's contentions, the record reflects that the court considered his arguments and the § 3553(a) factors, *see United States v. Carty*, 520 F.3d 984, 991 (9th Cir. 2008) (en banc), and relied only on proper sentencing considerations, *see United States v. Simtob*, 485 F.3d 1058, 1062-63 (9th Cir. 2007).

AFFIRMED.