

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

MAY 1 2024

FOR THE NINTH CIRCUIT

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

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

SHAWN MICHAEL WENTZ,

Defendant - Appellant.

No. 23-1884

D.C. No. 1:17-cr-00024-SPW-1

MEMORANDUM*

Appeal from the United States District Court
for the District of Montana
Susan P. Watters, District Judge, Presiding

Submitted April 22, 2024**

Before: CALLAHAN, LEE, and FORREST, Circuit Judges.

Shawn Michael Wentz appeals from the district court's judgment and challenges the 9-month sentence imposed upon his third revocation of supervised release. 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 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).

Wentz contends that the sentence is substantively unreasonable because it fails to reflect his substance abuse issues, need for inpatient treatment, lack of housing, and difficulties finding employment. The district court did not abuse its discretion. *See Gall v. United States*, 552 U.S. 38, 51 (2007). The sentence at the high-end of the Guidelines range is substantively reasonable in light of the 18 U.S.C. § 3583(e) factors and the totality of the circumstances, including Wentz's repeated breaches of the court's trust and the need to protect the public. *See Gall*, 552 U.S. at 51; *United States v. Simtob*, 485 F.3d 1058, 1062 (9th Cir. 2007) (purpose of revocation sentence is to sanction the defendant's breach of the court's trust).

AFFIRMED.