

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

AUG 28 2026

FOR THE NINTH CIRCUIT

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

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

MARIO MARIN AGUILAR,

Defendant - Appellant.

No. 26-700

D.C. No.

9:25-cr-00017-DLC-1

MEMORANDUM*

Appeal from the United States District Court
for the District of Montana
Dana L. Christensen, District Judge, Presiding

Submitted August 25, 2026**

Before: SILVERMAN, N.R. SMITH, and DE ALBA, Circuit Judges.

Mario Marin Aguilar appeals from the district court's judgment and challenges the 11-month sentence imposed upon 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). Aguilar's request to waive oral argument is therefore granted.

Aguilar first contends that the court committed plain procedural error by considering the Guidelines range for his underlying offense when calculating the sentence for his supervised release violation. Aguilar contends this was backward-looking and served a retributive purpose. The district court did not plainly err. *See United States v. Taylor*, 153 F.4th 934, 939-40 (9th Cir. 2025). The record belies Aguilar’s contention that the district court relied on retribution. Instead, the district court properly sought to sanction Aguilar for the “significant breach of trust” that he committed by violating the terms of supervised release on the first day supervision began. *See id.* at 942-43.

Aguilar also contends that the sentence is substantively unreasonable because it was his first violation related to drugs. The district court did not abuse its discretion. *See Gall v. United States*, 552 U.S. 38, 51 (2007). The high-end 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 Aguilar violated the terms of his supervised release. *See Gall*, 552 U.S. at 51.

AFFIRMED.