

MAY 27 2014

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

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

HENRY ARMANDO LOPEZ-DUVON,

Defendant - Appellant.

No. 13-10207

D.C. No. 4:12-cr-50195-DCB

MEMORANDUM*

Appeal from the United States District Court
for the District of Arizona
David C. Bury, District Judge, Presiding

Submitted May 13, 2014**

Before: CLIFTON, BEA, and WATFORD, Circuit Judges.

Henry Armando Lopez-Duvon appeals from the district court's judgment revoking supervised release and challenges the 24-month sentence imposed upon revocation. 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 9th Cir. R. 36-3.

** The panel unanimously concludes this case is suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

Lopez-Duvon contends that the district court procedurally erred by failing to consider his mitigating arguments and to explain the sentence adequately in light of the 18 U.S.C. § 3553(a) sentencing factors. We review for plain error, *see United States v. Valencia-Barragan*, 608 F.3d 1103, 1108 & n.3 (9th Cir. 2010), and find none. The record reflects that the district court addressed Lopez-Duvon's mitigating arguments and explained adequately the need for the consecutive, 24-month sentence in light of Lopez-Duvon's criminal and immigration history and his failure to be deterred by his prior sentences. Its failure to do more was not plain error. *See id.* at 1108.

AFFIRMED.