

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

JAN 25 2016

FOR THE NINTH CIRCUIT

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

UNITED STATES OF AMERICA,

No. 15-30091

Plaintiff - Appellee,

D.C. No. 4:05-cr-00153-SEH

v.

MEMORANDUM*

JOSE LUIS BECERRA-ESCATEL,

Defendant - Appellant.

Appeal from the United States District Court
for the District of Montana
Sam E. Haddon, District Judge, Presiding

Submitted January 20, 2016**

Before: CANBY, TASHIMA, and NGUYEN, Circuit Judges.

Jose Luis Becerra-Escatel appeals from the district court's order denying his motion for a sentence reduction under 18 U.S.C. § 3582(c)(2). 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). Becerra-Escatel's request for oral argument is denied.

Becerra-Escatel first contends that the district court failed to explain adequately its reasons for denying his request for a sentence reduction, including its reasons for rejecting his mitigating arguments. The record reflects that the district court considered the relevant sentencing factors and the parties' arguments. Though brief, the court's explanation for its denial of the motion was adequate. *See United States v. Carty*, 520 F.3d 984, 992 (9th Cir. 2008) (en banc) (explanation is sufficient if it permits meaningful appellate review); *United States v. Ruiz-Apolonio*, 657 F.3d 907, 920 (9th Cir. 2011) ("The district court is not required to provide a detailed explanation as to each of its reasons for rejecting every argument made by counsel.").

Becerra-Escatel next contends that, in light of his efforts at rehabilitation and the purpose behind the amendment that reduced his Guidelines range, the district court erred by denying his motion. Considering the 18 U.S.C. § 3553(a) sentencing factors and the totality of the circumstances, including Becerra-Escatel's in-custody disciplinary record, we conclude that the district court did not abuse its discretion when it denied his motion. *See United States v. Dunn*, 728 F.3d 1151, 1155, 1159-60 (9th Cir. 2013).

AFFIRMED.