NOT FOR PUBLICATION

FILED

APR 24 2017

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

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

UNITED STATES OF AMERICA, Plaintiff-Appellee, v. RICHARD BROWN TAUMOEPEAU, a.k.a. Haumeti, a.k.a. Tiki, Defendant-Appellant.	No. 16-10301 D.C. No. 1:97-cr-01199-DAE MEMORANDUM*

Appeal from the United States District Court
for the District of Hawaii
David A. Ezra, District Judge, Presiding

Submitted April 11, 2017**

Before: GOULD, CLIFTON, and HURWITZ, Circuit Judges.

Richard Brown Taumoepeau appeals from the district court's order granting in part 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.

Taumoepeau contends that the district court abused its discretion by denying

* 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).

him a further sentence reduction under Amendment 782 to the Sentencing Guidelines. As an initial matter, we reject the government's argument that this appeal is untimely. *See* Fed. R. App. P. 4(b)(4). Turning to the merits, we conclude that the district court acted within its discretion when, after considering the nature of Taumoepeau's offense and his post-sentencing rehabilitation, it reduced Taumoepeau's sentence from 480 to 345 months. *See* U.S.S.G. § 1B1.10 cmt. n.1(B); *United States v. Lightfoot*, 626 F.3d 1092, 1095-96 (9th Cir. 2010). Moreover, contrary to Taumoepeau's contention, the record reflects that the district court followed the procedure set forth in *Dillon v. United States,* 560 U.S. 817 (2010).

AFFIRMED.