

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

APR 18 2017

FOR THE NINTH CIRCUIT

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

UNITED STATES OF AMERICA,

No. 16-50278

Plaintiff-Appellee,

D.C. No. 3:10-cr-05124-BEN

v.

MEMORANDUM\*

JOSE LUIS CASTILLO,

Defendant-Appellant.

Appeal from the United States District Court  
for the Southern District of California  
Roger T. Benitez, District Judge, Presiding

Submitted April 11, 2017\*\*

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

Jose Luis Castillo appeals from the district court's judgment and challenges the 12-month sentence imposed upon revocation of supervised release. We have jurisdiction under 28 U.S.C. § 1291, and we affirm.

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\* 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).

Castillo contends that his sentence is substantively unreasonable. 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 Castillo's multiple violations of supervised release. *See Gall*, 552 U.S. at 51. Moreover, contrary to Castillo's contention, the record reflects that the district court considered his mitigating arguments and sufficiently explained the sentence. *See United States v. Carty*, 520 F.3d 984, 992 (9th Cir. 2008) (en banc). To the extent that Castillo claims that the district court improperly considered the entire petition to revoke, rather than solely the admitted allegation, he cannot establish plain error. *See United States v. Dallman*, 533 F.3d 755, 761-62 (9th Cir. 2008). His counsel stipulated that the court could consider the entire petition.

**AFFIRMED.**