

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

JUL 17 2017

FOR THE NINTH CIRCUIT

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

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

v.

ROBERT MICHAEL SALAZAR,

Defendant-Appellant.

Nos. 16-50351

16-50352

D.C. Nos. 2:97-cr-00009-PA

2:07-cr-00619-PA

MEMORANDUM*

Appeal from the United States District Court
for the Central District of California
Percy Anderson, District Judge, Presiding

Submitted July 11, 2017**

Before: CANBY, KOZINSKI, and HAWKINS, Circuit Judges.

In these consolidated appeals, Robert Michael Salazar appeals from the district court's judgment and challenges the 20-month concurrent sentences 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).

Salazar contends that the district court procedurally erred by relying on facts not supported by the record in imposing an above-Guidelines sentence, and by failing to explain the sentence adequately. We review for plain error, *see United States v. Valencia-Barragan*, 608 F.3d 1103, 1108 (9th Cir. 2010), and conclude that there is none. The record does not support Salazar's argument that when imposing the sentence, the district court relied on an assumption that Salazar was driving under the influence. Rather, the record reflects that the district court considered Salazar's history of drug use, which was well documented in the record, and sufficiently explained its determination that an above-Guidelines sentence was warranted. *See United States v. Carty*, 520 F.3d 984, 992 (9th Cir. 2008) (en banc).

AFFIRMED.