

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

DEC 21 2018

FOR THE NINTH CIRCUIT

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

UNITED STATES OF AMERICA,

No. 18-10092

Plaintiff-Appellee,

D.C. No. 1:95-cr-05036-AWI

v.

MEMORANDUM*

OSCAR LUNA,

Defendant-Appellant.

Appeal from the United States District Court
for the Eastern District of California
Anthony W. Ishii, District Judge, Presiding

Submitted December 17, 2018**

Before: WALLACE, SILVERMAN, and McKEOWN, Circuit Judges.

Oscar Luna appeals pro se from the district court's denial of his motion for early termination of his supervised release. We have jurisdiction under 28 U.S.C. § 1291, and we affirm.

We review for abuse of discretion the district court's denial of a motion for

* 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).

early termination of supervised release. *See United States v. Emmett*, 749 F.3d 817, 819 (9th Cir. 2014). The court did not abuse its discretion in concluding that Luna's stated need for unrestricted international travel in order to fulfill his employment obligations did not support early termination. Contrary to Luna's contention, the district court applied the correct legal standard in determining that early termination of supervised release was not warranted by Luna's conduct and the interest of justice. *See* 18 U.S.C. § 3583(e)(1); *Emmett*, 749 F.3d at 819. The court did not base its decision on any erroneous facts, and properly relied on the nature of Luna's offense and his ongoing failure to accept responsibility for his offense as reasons to continue supervision. *See* 18 U.S.C. § 3553(a)(1), (a)(2)(B), (a)(2)(C).

AFFIRMED.