

JUN 17 2014

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

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

MARK ROBERT STEFFEN,

Defendant - Appellant.

No. 13-50286

D.C. No. 2:08-cr-01157-MWF

MEMORANDUM*

Appeal from the United States District Court
for the Central District of California
Michael W. Fitzgerald, District Judge, Presiding

Submitted June 12, 2014**

Before: McKEOWN, WARDLAW, and M. SMITH, Circuit Judges.

Mark Robert Steffen appeals from the district court's judgment and challenges the 24-month sentence imposed upon revocation of supervised release.

We have jurisdiction under 28 U.S.C. § 1291, and we affirm.

Steffen contends that the district court erred by relying on improper factors

* 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).

in making its sentencing decision. We review for plain error, *see United States v. Hammons*, 558 F.3d 1100, 1103 (9th Cir. 2009), and find none. The record reflects that the district court properly considered the relevant sentencing factors specified in 18 U.S.C. § 3583(e) and did not impose the sentence on the basis of any improper factor. *See United States v. Miqbel*, 444 F.3d 1173, 1181-82 (9th Cir. 2006).

Steffen also contends that his sentence is substantively unreasonable. The district court did not abuse its discretion in imposing Steffen's sentence. *See Gall v. United States*, 552 U.S. 38, 51 (2007). The 24-month sentence is substantively reasonable in light of the section 3583(e) sentencing factors and the totality of the circumstances, including Steffen's breach of trust and the need to deter. *See id.*; *Miqbel*, 444 F.3d at 1182.

Finally, we reject Steffen's contention that the district court breached a promise made at a previous sentencing hearing.

AFFIRMED.