UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

UNITED STATES OF AMERICA,	No. 15-50452
Plaintiff-Appellee,	D.C. No. 3:07-cr-02882-BEN
v.	
GUILLERMO BARRETO-ORTIZ,	MEMORANDUM[*]
Defendant-Appellant.	

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

Submitted November 16, 2016[**]

Before: LEAVY, BERZON, and MURGUIA, Circuit Judges.

Guillermo Barreto-Ortiz appeals from the district court's order denying 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.

The government seeks the dismissal of this appeal as untimely. Because

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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).

Barreto-Ortiz is a pro se prisoner, his notice of appeal ("NOA") is deemed filed

when it was delivered to prison authorities for forwarding to the court. *See* Fed. R.

App. P. 4(c)(1). The record reflects, and the government does not dispute, that

Barreto-Ortiz's NOA was postmarked on October 15, 2015. Barreto-Ortiz's NOA

must, therefore, have been delivered to prison officials no later than that date.

Because judgment was entered on October 1, 2015, his NOA was thus timely filed.

See Fed. R. App. P. 4(b)(1)(A)(i), (c)(1).

Barreto-Ortiz contends that the district court abused its discretion by

denying his motion for a sentence reduction under Amendment 782 to the

Sentencing Guidelines. The district court acted within its discretion when it denied

Barreto-Ortiz a sentence reduction based on its determination that he posed a threat

to the public in light of the nature of the offense. *See* U.S.S.G. § 1B1.10 cmt.

n.1(B); *United States v. Lightfoot*, 626 F.3d 1092, 1096 (9th Cir. 2010).

AFFIRMED.

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