

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

NOV 21 2016

FOR THE NINTH CIRCUIT

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

UNITED STATES OF AMERICA,

No. 16-10003

Plaintiff-Appellee,

D.C. No. 4:07-cr-01581-RCC

v.

MEMORANDUM*

SAN JUAN HERNANDEZ,

Defendant-Appellant.

Appeal from the United States District Court
for the District of Arizona
Raner C. Collins, Chief Judge, Presiding

Submitted November 16, 2016**

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

San Juan Hernandez 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 vacate and remand.

Hernandez contends that the district court failed to explain adequately its

* 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).

denial of his motion for a sentence reduction under Amendment 782 to the Sentencing Guidelines. We agree. The district court's order does not address or explain its rejection of the arguments presented in either Hernandez's motion for a sentence reduction or probation's recommendation that the district court grant a sentence reduction. Accordingly, we vacate and remand. *See United States v. Trujillo*, 713 F.3d 1003, 1009-10 (9th Cir. 2013) (district court must provide some explanation for rejecting a defendant's non-frivolous arguments).

VACATED and REMANDED.