

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

MAR 14 2017

FOR THE NINTH CIRCUIT

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

UNITED STATES OF AMERICA,

No. 16-10227

Plaintiff-Appellee,

D.C. No. 4:10-cr-00863-RCC

v.

MEMORANDUM*

FABIAN DAVID MONGE,

Defendant-Appellant.

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

Submitted March 8, 2017**

Before: LEAVY, W. FLETCHER, and OWENS, Circuit Judges.

Fabian David Monge appeals from the district court's order granting in part Monge's 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 district court concluded that Monge was eligible for a sentence

* 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).

reduction under Amendment 782 and reduced his sentence from 151 months to 144 months. Monge contends that the district court failed to address his arguments in favor of a greater reduction. The record reflects that the district court considered Monge's arguments and adequately explained its decision. *See United States v. Carty*, 520 U.S. 984, 992 (9th Cir. 2008) (en banc).

Monge further contends that, in light of his post-sentencing conduct, the district court abused its discretion by failing to reduce his sentence to the low end of the new sentencing range. The district court did not abuse its discretion in determining that no further reduction was warranted in light of Monge's managerial role as a "kingpin" in the marijuana distribution enterprise, the large quantities of drugs he supplied over a long period of time, and his post-sentencing conduct. *See* U.S.S.G. § 1B1.10 cmt. n.1(B); *United States v. Dunn*, 728 F.3d 1151, 1158-59 (9th Cir. 2013).

AFFIRMED.