

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

AUG 21 2018

FOR THE NINTH CIRCUIT

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

UNITED STATES OF AMERICA,

No. 17-10356

Plaintiff-Appellee,

D.C. No. 2:07-cr-00248-WBS

v.

MEMORANDUM*

EDWARD FUENTES,

Defendant-Appellant.

Appeal from the United States District Court
for the Eastern District of California
William B. Shubb, District Judge, Presiding

Submitted August 15, 2018**

Before: FARRIS, BYBEE, and N.R. SMITH, Circuit Judges.

Edward Fuentes 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. We review discretionary denials of sentence reduction motions for abuse of discretion, *see United States v. Chaney*, 581 F.3d 1123, 1125 (9th Cir.

* 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)*.

2009), and we affirm.

The parties agree that Fuentes is statutorily eligible for a sentence reduction under Amendment 782 to the Sentencing Guidelines. Fuentes argues that the district court erred by failing to consider adequately the 18 U.S.C. § 3553(a) sentencing factors and to explain sufficiently its discretionary decision not to reduce his sentence. The district court properly considered the section 3553(a) factors in analyzing whether a reduction was warranted. *See Dillon v. United States*, 560 U.S. 817, 827 (2010). The court addressed Fuentes’s arguments in support of a reduction but concluded that “the goals of public safety and ensuring adequate deterrence . . . are still better served by defendant serving the entirety of his” original 240-month sentence. The court’s explanation was sufficient, *see Chavez-Meza v. United States*, 138 S. Ct. 1959, 1966-67 (2018), and was not an abuse of discretion in light of the section 3553(a) factors and the totality of the circumstances, *see United States v. Dunn*, 728 F.3d 1151, 1159-60 (9th Cir. 2013).

AFFIRMED.