

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

SEP 18 2018

FOR THE NINTH CIRCUIT

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

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

v.

FRANCISCO MIGUEL ANGEL NAJERA-
GORDILLO, a.k.a. Miguel Angel Gonzalez,

Defendant-Appellant.

No. 17-10536

D.C. No. 2:05-cr-00383-MCE

MEMORANDUM*

Appeal from the United States District Court
for the Eastern District of California
Morrison C. England, Jr., District Judge, Presiding

Submitted September 12, 2018**

Before: LEAVY, HAWKINS, and TALLMAN, Circuit Judges.

Francisco Miguel Angel Najera-Gordillo 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*,

* 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)*.

581 F.3d 1123, 1125 (9th Cir. 2009), and we affirm.

It is undisputed that Najera-Gordillo is statutorily eligible for a sentence reduction under Amendment 782 to the Guidelines. The district court concluded, however, that a reduction was not warranted in this case. Najera-Gordillo contends that the court abused its discretion in reaching this conclusion because a lower sentence would be sufficient to satisfy all of the relevant sentencing factors. The district court did not abuse its discretion in denying Najera-Gordillo's motion in light of the totality of the circumstances, including Najera-Gordillo's significant prison disciplinary record, his long and violent criminal history and career offender status, his failure to be deterred, and the danger he poses to the public. *See* U.S.S.G. § 1B1.10 cmt n.1(B); *United States v. Dunn*, 728 F.3d 1151, 1159-60 (9th Cir. 2013).

We decline to consider issues raised for the first time in Najera-Gordillo's reply brief. *See United States v. Kama*, 394 F.3d 1236, 1238 (9th Cir. 2005).

AFFIRMED.