

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

SEP 25 2019

FOR THE NINTH CIRCUIT

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

UNITED STATES OF AMERICA,

No. 19-30059

Plaintiff-Appellee,

D.C. No. 9:19-cr-00003-DWM-1

v.

JOSHUA CISLO,

MEMORANDUM\*

Defendant-Appellant.

Appeal from the United States District Court  
for the District of Montana  
Donald W. Molloy, District Judge, Presiding

Submitted September 18, 2019\*\*

Before: FARRIS, TASHIMA, and NGUYEN, Circuit Judges.

Joshua Cislo appeals from the district court's judgment and challenges the 11-month sentence imposed upon revocation of supervised release. We have jurisdiction under 28 U.S.C. § 1291, and we affirm.

Cislo contends that the 11-month sentence is substantively unreasonable

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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).

because it is longer than necessary to satisfy the goals of sentencing and it creates an unwarranted sentencing disparity with other first-time supervised release violators. The district court did not abuse its discretion. *See Gall v. United States*, 552 U.S. 38, 51 (2007). The within-Guidelines sentence is substantively reasonable in light of the totality of the circumstances, including the nature and extent of Cislo's violations. *See id.* Moreover, the record does not support Cislo's claim that the district court imposed the 11-month sentence to punish him. Rather, the record shows that the court relied on proper considerations, such as the need to protect the public and Cislo's repeated breaches of the court's trust, in selecting the sentence. *See* 18 U.S.C. § 3583(e); *United States v. Simtob*, 485 F.3d 1058, 1062-63 (9th Cir. 2007).

**AFFIRMED.**