

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

FILED

MAY 21 2008

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

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

CARLOS CERVANTES-CAZARES,

Defendant - Appellant.

No. 05-50192

D.C. No. CR-04-00693-ABC

MEMORANDUM*

Appeal from the United States District Court
for the Central District of California
Audrey B. Collins, District Judge, Presiding

Submitted February 10, 2006**
Pasadena, California
Submission deferred November 22, 2006
Resubmitted May 19, 2008

Before: BEEZER, T.G. NELSON, and GOULD, Circuit Judges.

Carlos Cervantes-Cazares appeals his sentence and several aspects of his supervised release. We have jurisdiction under 28 U.S.C. § 1291, and we affirm.

* This disposition is not appropriate for publication and may not be cited to or by the courts of this circuit except as provided by Ninth Circuit Rule 36-3.

** This panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

The sentence imposed by the district court was neither procedurally erroneous nor substantively unreasonable. *See United States v. Carty*, 520 F.3d 984, 993 (9th Cir. 2008) (“[O]nly a procedurally erroneous or substantively unreasonable sentence will be set aside.”). Under the totality of the circumstances, the weight given by the district court to the various 18 U.S.C. § 3553(a) factors was not an abuse of discretion. *See id.* (“The abuse of discretion standard applies to all sentencing decisions”).

The district court did not plainly err when it allowed the probation officer to determine Cervantes-Cazares’ share of the treatment costs. *See United States v. Dupas*, 419 F.3d 916, 922-24 (9th Cir. 2005). Finally, the district court did not violate Cervantes-Cazares’ Fifth Amendment rights when it imposed the reporting requirement. *See United States v. Rodriguez-Rodriguez*, 441 F.3d 767, 772–73 (9th Cir. 2006).

AFFIRMED.