

APPENDIX A

738 Fed.Appx. 525 (Mem)

This case was not selected for publication in West's Federal Reporter. See Fed. Rule of Appellate Procedure 32.1 generally governing citation of judicial decisions issued on or after Jan. 1, 2007. See also U.S.Ct. of App. 9th Cir. Rule 36-3. United States Court of Appeals, Ninth Circuit.

UNITED STATES of America, Plaintiff-Appellee,
v.
Arrez MELITON-SALTO, Defendant-Appellant.

No. 18-50038

Submitted September 12, 2018 *

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Attorneys and Law Firms

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Appeal from the United States District Court for the Southern District of California, [Roger T. Benitez](#), District Judge, Presiding, D.C. No. 3:17-cr-00523-BEN

Before: [LEAVY](#), [HAWKINS](#), and [TALLMAN](#), Circuit Judges.

Footnotes

* The panel unanimously concludes this case is suitable for decision without oral argument. See [Fed. R. App. P. 34\(a\)\(2\)](#).

** This disposition is not appropriate for publication and is not precedent except as provided by [Ninth Circuit Rule 36-3](#).

MEMORANDUM **

Arrez Meliton-Salto appeals from the district court's judgment and challenges the sentence imposed following his bench-trial conviction for being a removed alien found in the United States, in violation of [8 U.S.C. § 1326](#). We have jurisdiction under [28 U.S.C. § 1291](#), and we affirm.

Meliton-Salto challenges the three-year term of supervised release imposed by the district court. He contends that the court procedurally erred by failing to consider [U.S.S.G. § 5D1.1\(c\)](#), calculate the Guidelines range for supervised release, and adequately explain the sentence. Because Meliton-Salto did not raise these objections in the district court, we review for plain error. See [United States v. Dallman](#), 533 F.3d 755, 761 (9th Cir. 2008).

There was no plain error. The district court explained that it believed that a term of supervised release was necessary in light of its concerns about deterrence and protection of the public. The court followed the applicable Guideline, see [U.S.S.G. § 5D1.1](#) cmt. n.5, and adequately explained the sentence. See [United States v. Carty](#), 520 F.3d 984, 992 (9th Cir. 2008) (en banc). Moreover, Meliton-Salto has not shown a reasonable probability that he would have received a different sentence had the court explicitly calculated the Guidelines range for supervised release. See [Dallman](#), 533 F.3d at 762.

AFFIRMED.**All Citations**

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