

MAR 24 2009

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

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

SHANADOA WAYNE JOHNSON, AKA
Shaun Wayne Wise,

Defendant - Appellant.

No. 08-30292

D.C. No. 2:08-cr-00003-DWM

MEMORANDUM*

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

Submitted March 18, 2009**

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

Shanadoa Wayne Johnson appeals from the six-month sentence imposed following his guilty-plea conviction for false representation of a social security

* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

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

number, in violation of 42 U.S.C. § 408(a)(7)(B). We have jurisdiction pursuant to 28 U.S.C. § 1291, and we affirm.

Johnson contends that the district court imposed a procedurally and substantively unreasonable sentence by disregarding the parsimony clause of 18 U.S.C. § 3553(a). He contends that the district court compounded this error by ordering that he serve the sentence consecutive to his state sentence. We conclude that the district court did not procedurally err, and that the sentence is substantively reasonable. *See United States v. Carty*, 520 F.3d 984, 991-93 (9th Cir. 2008) (en banc).

AFFIRMED.