

APR 21 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NOT FOR PUBLICATION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.

QUENTIN ROBERT SMALL, Sr.,

Defendant - Appellant.

No. 05-30084

D.C. No. CR-04-00090-JDS

MEMORANDUM*

Appeal from the United States District Court
for the District of Montana
Jack D. Shanstrom, District Judge, Presiding

Submitted April 13, 2009**

Before: GRABER, GOULD, and BEA, Circuit Judges.

Quentin Robert Small, Sr. appeals from the 90-month sentence imposed following his guilty-plea conviction for aggravated sexual abuse, in violation of

* 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).

18 U.S.C. §§ 1153 and 2241(a)(1). We have jurisdiction under 28 U.S.C. § 1291, and we affirm.

Small contends that the district court procedurally erred by placing undue emphasis on the advisory guidelines and failing to adequately explain his sentence in light of the 18 U.S.C. § 3553(a) factors. We conclude that Small has not demonstrated reversible error under the plain error standard. *See United States v. Carty*, 520 F.3d 984, 992, 995 (9th Cir. 2008) (en banc); *see also United States v. Dallman*, 533 F.3d 755, 762 (9th Cir. 2008).

AFFIRMED.