

APR 29 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NOT FOR PUBLICATION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.

MALCOLM REID MCDONALD,

Defendant - Appellant.

No. 08-30323

D.C. No. 4:08-cr-00066-SEH

MEMORANDUM*

Appeal from the United States District Court
for the District of Montana
Sam E. Haddon, District Judge, Presiding

Submitted April 13, 2009**

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

Malcolm Reid McDonald appeals from the 33-month sentence imposed following his guilty-plea conviction for misuse of a social security number, in

* 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).

violation of 42 U.S.C. § 408(a)(7)(B), and aggravated identity theft, in violation of 18 U.S.C. § 1028A(a)(1). We have jurisdiction pursuant to 28 U.S.C. § 1291, and we affirm.

McDonald contends that his sentence is unreasonable because the district court failed to consider the sentencing factors listed in 18 U.S.C. § 3553(a) and because the sentence is greater than necessary. We conclude that the district court did not commit procedural error, and that the sentence is substantively reasonable.

See United States v. Stoterau, 524 F.3d 988, 999-1002 (9th Cir. 2008).

AFFIRMED.