

JUN 22 2009

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

TRAVIS RAY BENDER,

Defendant - Appellant.

No. 08-30289

D.C. No. 4:08-cr-00006-SEH

MEMORANDUM\*

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

Submitted June 16, 2009\*\*

Before: PAEZ, TALLMAN, and N.R. SMITH, Circuit Judges.

Travis Ray Bender appeals from the 46-month sentence imposed following his guilty-plea conviction for being a felon in possession of a firearm, in violation

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\* 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).

of 18 U.S.C. § 922(g)(1). We have jurisdiction pursuant to 28 U.S.C. § 1291, and we affirm.

Bender contends that the district court procedurally erred by failing to consider the factors set forth in 18 U.S.C. § 3553(a), and by failing to adequately explain its sentence as required by 18 U.S.C. § 3553(c). Bender also contends that the sentence is substantively unreasonable. We conclude that the district court did not commit procedural error and that Bender's sentence is substantively reasonable. *See Gall v. United States*, 128 S. Ct. 586, 597 (2007); *see also United States v. Carty*, 520 F.3d 984, 991-93 (9th Cir. 2008) (en banc); *United States v. Dallman*, 533 F.3d 755, 761 (9th Cir. 2008).

**AFFIRMED.**