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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NOT FOR PUBLICATION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.

BARRY HOWARD LANDRETH,

Defendant - Appellant.

No. 07-50394, 07-50493

D.C. No. CR-06-00055-CJC

MEMORANDUM\*

Appeal from the United States District Court  
for the Central District of California  
Cormac J. Carney, District Judge, Presiding

Submitted June 16, 2009\*\*

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

Barry Howard Landreth appeals from his 72-month sentence imposed following his guilty-plea conviction for wire fraud, in violation of 18 U.S.C. § 1343. We have jurisdiction pursuant to 28 U.S.C. § 1291, and we affirm.

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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).

Landreth contends that the government breached the plea agreement. We conclude that there was no plain error. *See United States v. Cannel*, 517 F.3d 1172, 1175-77 (9th Cir. 2008); *United States v. Allen*, 434 F.3d 1166, 1175 (9th Cir. 2006); *United States v. Maldonado*, 215 F.3d 1046, 1051-52 (9th Cir. 2000).

**AFFIRMED.**