

JUL 21 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NOT FOR PUBLICATION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.

BRIAN DEAN BELL,

Defendant - Appellant.

No. 08-30171

D.C. No. 4:07-cr-00131-SEH

MEMORANDUM\*

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

Submitted July 14, 2009\*\*

Before: SCHROEDER, THOMAS, and WARDLAW, Circuit Judges.

Brian Dean Bell appeals from the 37-month sentence imposed following his guilty-plea conviction for assault resulting in serious bodily injury, in violation of

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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).

18 U.S.C. §§ 113(a)(6) and 1153. We have jurisdiction pursuant to 28 U.S.C. § 1291, and we affirm.

Bell contends that the sentence imposed was unreasonable because, among other things, the district court failed to properly consider the factors set forth in 18 U.S.C. § 3553(a) and did not sufficiently explain the sentence. The district court did not procedurally err and the sentence is not substantively unreasonable. *See Gall v. United States*, 552 U.S. 38 (2007); *United States v. Carty*, 520 F.3d 984, 990-93 (9th Cir. 2008) (en banc).

**AFFIRMED.**