

OCT 28 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NOT FOR PUBLICATION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.

JUSTIN MATTHEW FLETCHER,

Defendant - Appellant.

No. 09-30050

D.C. No. 4:08-CR-00030-SEH

MEMORANDUM*

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

Submitted October 13, 2009**

Before: B. FLETCHER, LEAVY, and RYMER, Circuit Judges.

Justin Matthew Fletcher appeals from the 150-month sentence imposed following his guilty-plea conviction for being a felon in possession of a firearm,

* 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).

and possession of a stolen firearm, in violation of 18 U.S.C. §§ 922(g)(1) and 922(j). We have jurisdiction pursuant to 28 U.S.C. § 1291, and we affirm.

Fletcher contends that the district court procedurally erred by failing adequately to explain the sentence imposed and failing explicitly to address his arguments that a difficult childhood and mental health problems warranted a lower sentence. Fletcher also contends that the sentence is substantively unreasonable. The record reflects that the district court adequately explained the sentence, and considered Fletcher's arguments at the sentencing hearing. *See United States v. Perez-Perez*, 512 F.3d 514, 516-17 (9th Cir. 2008). Further, in light of the totality of the circumstances and the sentencing factors of 18 U.S.C. § 3553(a), the sentence is not unreasonable. *See Gall v. United States*, 128 S. Ct. 586, 597 (2007).

AFFIRMED.