

DEC 14 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NOT FOR PUBLICATION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.

SHAUN DELMORE MORTENSON,

Defendant - Appellant.

No. 09-30153

D.C. No. 4:06-cr-00039-SEH

MEMORANDUM*

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

Submitted November 17, 2009**

Before: ALARCÓN, TROTT, and TASHIMA, Circuit Judges.

Shaun Delmore Mortenson appeals from the lifetime term of supervised release imposed following his guilty-plea conviction for receipt of child pornography, in violation of 18 U.S.C. § 2252A(a)(2). We have jurisdiction

* 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).

pursuant to 28 U.S.C. § 1291, and we affirm.

Mortenson contends that the district court procedurally erred by failing to provide any explanation for imposing a lifetime term of supervised release. Although the district court did not expressly state its reasons for imposing a lifetime term of supervised release, the record reflects that the district court considered the arguments and evidence submitted by Mortenson before imposing the term recommended by the Guidelines. *See United States v. Daniels*, 541 F.3d 915, 922 (9th Cir. 2008). Accordingly, the district court did not procedurally err. *See United States v. Carty*, 520 F.3d 984, 996 (9th Cir. 2008) (en banc).

To the extent that Mortenson contends that the length of the supervised release term is substantively unreasonable, this contention is belied by the record. *See Daniels*, 541 F.3d at 923-24; *see also Gall v. United States*, 552 U.S. 38 (2007).

AFFIRMED.