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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>UNITED STATES OF AMERICA,</p> <p>Plaintiff - Appellee,</p> <p>v.</p> <p>LAYMON PARKER McGAUHEY III,</p> <p>Defendant - Appellant.</p>
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No. 09-30093

D.C. No. 1:06-CR-00104-RFC

MEMORANDUM*

Appeal from the United States District Court
for the District of Montana
Richard F. Cebull, Chief District Judge, Presiding

Submitted December 15, 2009**

Before: GOODWIN, WALLACE, and FISHER, Circuit Judges.

Laymon Parker McGauhey III appeals from the 235-month sentence imposed following his guilty-plea conviction for transportation of child pornography, in violation of 18 U.S.C. § 2252A(a)(1). 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 concludes this case is suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

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

McGauhey contends the district court abused its discretion by imposing a sentence consecutive to his Nevada state sentence of life with parole eligibility after 120 months because the 235-month consecutive sentence is greater than necessary to accomplish the 18 U.S.C. § 3553(a) goals and is therefore substantively unreasonable. In light of the totality of the circumstances of this case and the § 3553(a) sentencing factors, the sentence is not substantively unreasonable. *See Gall v. United States*, 552 U.S. 38, 51 (2007); *United States v. Carty*, 520 F.3d 984, 991-93 (9th Cir. 2008) (en banc).

AFFIRMED.