

JAN 11 2010

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NOT FOR PUBLICATION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.

CHRISTOPHER M. WILLIAMS,

Defendant - Appellant.

No. 09-30184

D.C. No. 2:08-cr-00106-RHW

MEMORANDUM*

Appeal from the United States District Court
for the Eastern District of Washington
Robert H. Whaley, District Judge, Presiding

Submitted December 15, 2009**

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

Christopher M. Williams appeals from the 85-month sentence imposed following his guilty-plea conviction for possession with intent to distribute five

* 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).

grams or more of a mixture or substance containing cocaine base (crack cocaine), in violation of 21 U.S.C. § 841(a)(1), (b)(1)(B)(iii). We have jurisdiction pursuant to 28 U.S.C. § 1291, and we affirm.

Williams contends that the sentence, which the district court imposed consecutive to an undischarged state sentence, is substantively unreasonable. The record reflects that the district court properly based the sentence on the factors set forth in 18 U.S.C. § 3553(a), including Williams' violent criminal history, and that, in light of the totality of the circumstances, the sentence is not substantively unreasonable. *See United States v. Carty*, 520 F.3d 984, 993-94, 996 (9th Cir. 2008) (en banc).

AFFIRMED.