

JAN 26 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NOT FOR PUBLICATION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.

THOMAS JOSEPH COSAND,

Defendant - Appellant.

No. 09-30102

D.C. No. 1:07-CR-00127-JDS

MEMORANDUM*

Appeal from the United States District Court
for the District of Montana
Jack D. Shanstrom, District Judge, Presiding

Submitted January 11, 2010**

Before: BEEZER, TROTT, and BYBEE, Circuit Judges.

Thomas Joseph Cosand appeals from the 36-month sentence imposed following his guilty-plea conviction for bank fraud, in violation of 18 U.S.C. § 1344. We have jurisdiction pursuant to 28 U.S.C. § 1291, and we affirm.

* 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).

Cosand contends that the district court procedurally erred by failing to adequately explain the sentence imposed, and that the district court's failure to analyze the sentencing factors pursuant to 18 U.S.C. § 3555(a) resulted in an unreasonable sentence. The record reflects that the district court properly calculated the Guidelines range, was familiar with the parties' arguments, and that under the totality of the circumstances, the sentence imposed is substantively reasonable. *See United States v. Carty*, 520 F.3d 984, 991-93 (9th Cir. 2008) (en banc).

AFFIRMED.