

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

FILED

JAN 26 2010

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

MARK EUGENE BACHTELER,

Defendant - Appellant.

No. 09-30144

D.C. No. 4:08-CR-00125-SEH

MEMORANDUM*

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

Submitted January 11, 2010**

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

Mark Eugene Bachteler appeals from the 68-month sentence imposed following his guilty-plea conviction for distribution of methamphetamine/use of a

* 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).

juvenile, in violation of 21 U.S.C. §§ 841 and 861. We have jurisdiction pursuant to 28 U.S.C. § 1291, and we affirm.

Bachteler contends that the district court erred at sentencing by failing to adequately consider the 18 U.S.C. § 3553(a) factors and by failing to provide a reasoned explanation for his sentence. He also contends that his sentence is unreasonable in light of his mitigating circumstances. The record indicates that the district court did not procedurally err and that Bachteler's sentence is substantively reasonable. *See United States v. Carty*, 520 F.3d 984, 993 (9th Cir. 2008) (en banc).

AFFIRMED.