

MAR 08 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NOT FOR PUBLICATION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.

JOSHUA A. McKNIGHT,

Defendant - Appellant.

No. 09-30119

D.C. No. 6:08-CR-00011-CCL

MEMORANDUM*

Appeal from the United States District Court
for the District of Montana
Charles C. Lovell, District Judge, Presiding

Submitted February 16, 2010**

Before: FERNANDEZ, GOULD, and M. SMITH, Circuit Judges.

Joshua A. McKnight appeals from the 98-month sentence imposed following his guilty-plea conviction for possession of stolen firearms, in violation of

* 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).

18 U.S.C. § 922(j). We have jurisdiction pursuant to 28 U.S.C. § 1291, and we affirm.

McKnight contends that the district court erred at sentencing by failing to: (1) consider all of the factors set forth in 18 U.S.C. § 3553(a); (2) make an individualized determination based on the facts presented; and (3) provide an adequate explanation for his sentence. He also contends that his sentence is unreasonable in light of his mitigating personal circumstances and the sentence imposed on his co-defendant. The record indicates that the district court did not procedurally err and that McKnight's sentence is substantively reasonable. *See Rita v. United States*, 551 U.S. 338, 356-59 (2007); *see also United States v. Carty*, 520 F.3d 984, 991-93 (9th Cir. 2008) (en banc).

AFFIRMED.