

MAR 29 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NOT FOR PUBLICATION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.

RON ONEIDA WHITEMAN,

Defendant - Appellant.

No. 09-30123

D.C. No. 1:08-CR-00036-RFC

MEMORANDUM\*

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

Submitted March 16, 2010\*\*

Before: SCHROEDER, PREGERSON, and RAWLINSON, Circuit Judges.

Ron Oneida Whiteman appeals from the 293-month sentence imposed following his guilty-plea conviction for aggravated sexual abuse, in violation of

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\* 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. §§ 1153(a) and 2241(a)(1). We have jurisdiction pursuant to 28 U.S.C. § 1291, and we affirm.

Whiteman contends that the district court erred by denying a sentencing reduction for acceptance of responsibility on the ground that, while awaiting sentencing, he committed a new, unrelated crime. This contention fails under *United States v. Mara*, 523 F.3d 1036, 1038-39 (9th Cir. 2008). Whiteman further contends that the resulting sentence is unreasonable. The record reflects that the district court did not procedurally err. *See United States v. Carty*, 520 F.3d 984, 993 (9th Cir. 2008) (en banc). Additionally, in light of the totality of the circumstances, including the 18 U.S.C. § 3553(a) sentencing factors, the district court's sentence is substantively reasonable. *See id.*

**AFFIRMED.**