

JUN 15 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NOT FOR PUBLICATION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.

TRACY SWANSON,

Defendant - Appellant.

No. 09-30332

D.C. No. 2:08-cr-00173-RHW

MEMORANDUM*

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

Submitted May 25, 2010**

Before: CANBY, THOMAS, and W. FLETCHER, Circuit Judges.

Tracy Swanson appeals from the 48-month sentence imposed following her guilty-plea conviction for conspiracy to utter counterfeit securities of an organization, in violation of 18 U.S.C. §§ 371 and 513. We have jurisdiction under 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).

Swanson contends that the district court procedurally erred by failing to address the nature and circumstance of her offense and her mitigating arguments. The record reflects that the district court considered her arguments and the 18 U.S.C. § 3553(a) factors. *See United States v. Treadwell*, 593 F.3d 990, 1009-14 (9th Cir. 2010).

Contrary to Swanson's other contention, the sentence imposed is substantively reasonable under the totality of the circumstances. *See United States v. Carty*, 520 F.3d 984, 991-93 (9th Cir. 2008) (en banc).

AFFIRMED.