

SEP 02 2010

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>UNITED STATES OF AMERICA,</p> <p>Plaintiff - Appellee,</p> <p>v.</p> <p>JAMES ROBERT BLODGETT,</p> <p>Defendant - Appellant.</p>

No. 08-30287

D.C. No. 9:07-cr-00075-DWM

MEMORANDUM*

Appeal from the United States District Court
for the District of Montana
Donald W. Molloy, District Judge, Presiding

Submitted August 23, 2010**

Before: LEAVY, HAWKINS, and THOMAS, Circuit Judges.

James Robert Blodgett appeals from the time-served sentence imposed following his guilty-plea conviction for possession with intent to distribute marijuana, in violation of 21 U.S.C. § 841(a)(1), to be served consecutively to a 60-month sentence imposed following his guilty plea conviction for possession 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).

a firearm in furtherance of a drug-trafficking crime, in violation of 18 U.S.C. § 924(c)(1). We have jurisdiction under 28 U.S.C. § 1291, and we affirm.

Blodgett contends that the district court erred by failing to rule on his objections to disputed facts in the presentence report and relying upon such facts when imposing the sentence, in violation of Federal Rule of Criminal Procedure 32(i)(3)(B). This contention fails because the district court did not rely upon any disputed facts at sentencing. *See United States v. Saeteurn*, 504 F.3d 1175, 1178 (9th Cir. 2007).

AFFIRMED.