

OCT 27 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NOT FOR PUBLICATION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>CHARLES BERNARD PARKE,</p> <p>Defendant - Appellant.</p>
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No. 09-30375

D.C. No. 2:08-cr-00024-CCL

MEMORANDUM\*

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

Submitted October 19, 2010\*\*

Before: O'SCANNLAIN, TALLMAN, and BEA, Circuit Judges.

Charles Bernard Parke appeals from his 262-month sentence imposed following his guilty-plea conviction for possession with intent to distribute methamphetamine, in violation of 21 U.S.C. § 841(a)(1). We have jurisdiction pursuant to 28 U.S.C. § 1291, and we affirm.

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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).

Parke contends that his sentence is unreasonable because the district court failed to consider his extraordinary medical problems. The record reflects that the district court thoroughly considered Parke's arguments for a downward departure based on his health issues, but found the circumstances insufficient to warrant a sentence below the bottom of the advisory Guidelines range. The district court did not procedurally err, and the sentence is substantively reasonable under the totality of the circumstances. *See Gall v. United States*, 552 U.S. 38, 51 (2007); *see also United States v. Carty*, 520 F.3d 984, 995 (9th Cir. 2008) (en banc).

Parke's request for new counsel is denied.

**AFFIRMED.**