

OCT 28 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NOT FOR PUBLICATION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.

RANDALL ALLEN BROWN,

Defendant - Appellant.

No. 09-30239

D.C. No. 3:08-cr-00279-ALH

MEMORANDUM*

Appeal from the United States District Court
for the District of Oregon
Ancer L. Haggerty, District Judge, Presiding

Submitted October 19, 2010**

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

Randall Allen Brown appeals from the 46-month sentence imposed following his guilty-plea conviction for two counts of bank robbery, in violation of 18 U.S.C. § 2113(a). 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).

Brown contends that the district court procedurally erred at sentencing by presuming that the Guidelines range was reasonable and by failing to explain why it was rejecting his arguments for a lower sentence. Brown further contends that the sentence imposed is substantively unreasonable. The record reflects that the district court made an individualized determination based on the facts, adequately explained the sentence, and did not otherwise procedurally err. *See United States v. Carty*, 520 F.3d 984, 991-93, 995 (9th Cir. 2008) (en banc). Additionally, in light of the totality of the circumstances, the sentence at the bottom of the Guidelines range is substantively reasonable. *See id.* at 993-94.

AFFIRMED.