

JAN 21 2011

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NOT FOR PUBLICATION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.

JASON ALEXANDER SHIMADA,

Defendant - Appellant.

No. 10-10169

D.C. No. 2:09-cr-00387-JCM

MEMORANDUM*

Appeal from the United States District Court
for the District of Nevada
James C. Mahan, District Judge, Presiding

Submitted January 10, 2011**

Before: BEEZER, TALLMAN, and CALLAHAN, Circuit Judges.

Jason Alexander Shimada appeals from the 63-month sentence imposed following his guilty-plea convictions for armed bank robbery, in violation of 18 U.S.C. § 2113(a), (d). 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).

Shimada contends that his sentence is substantively unreasonable because he lacked any “serious” criminal history and voluntarily ceased his criminal activities before his arrest. The record reflects that the 63-month sentence is substantively reasonable in light of the totality of the circumstances and the factors set forth in 18 U.S.C. § 3553(a). *See Gall v. United States*, 552 U.S. 38, 56-57 (2007) (recognizing deference owed to the district court’s reasoned and reasonable decision to grant downward variance).

AFFIRMED.