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MOLLY C. DWYER, CLERK
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NOT FOR PUBLICATION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>MARK COROADO REED,</p> <p>Defendant - Appellant.</p>

No. 10-50172

D.C. No. 3:06-cr-00117-WQH

MEMORANDUM*

Appeal from the United States District Court
for the Southern District of California
William Q. Hayes, District Judge, Presiding

Submitted March 8, 2011**

Before: FARRIS, LEAVY, and BYBEE, Circuit Judges.

Mark Coroado Reed appeals from the \$10,000 fine imposed following his guilty-plea conviction for conspiracy to distribute cocaine, in violation of 21 U.S.C. §§ 841(a)(1) and 846. 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).

Although Reed discussed his financial condition at sentencing, he did so solely in the context of explaining why he absconded from pretrial supervision; he did not object at any time to the imposition of a fine. Thus, review is for plain error. *See United States v. Dallman*, 533 F.3d 755, 761 (9th Cir. 2008).

The district court selected a fine at the bottom of the Guidelines range, which was significantly lower than what was recommended in the presentence report. *See* U.S.S.G. § 5E1.2(c)(3) (stating a fine Guideline range of \$10,000 to \$100,000 for an offense level of 25). On this record, we cannot conclude that the district court plainly erred. *See Dallman*, 533 F.3d at 761 (plain error is error that is plain and that affects the defendant’s “substantial rights”).

AFFIRMED.