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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

UNITED STATES OF AMERICA, Plaintiff - Appellee, v. MARK COROADO REED, Defendant - Appellant.	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.

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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).

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.