

APR 11 2011

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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NOT FOR PUBLICATION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>ALEXANDER WILLIAM FETTERS,</p> <p>Defendant - Appellant.</p>

No. 10-30201

D.C. No. 2:10-cr-00001-DWM

MEMORANDUM*

Appeal from the United States District Court
for the District of Montana
Donald W. Molloy, District Judge, Presiding

Submitted April 5, 2011**

Before: B. FLETCHER, CLIFTON, and BEA, Circuit Judges.

Alexander William Fetters appeals from the 300-month sentence imposed following his guilty-plea for conspiracy to distribute methamphetamine, in violation of 21 U.S.C. §§ 841 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).

Fetters contends that the district court procedurally erred when it failed to “inquire into the reasons for the disparity with the sentence for the ringleader of the conspiracy.” The district court acknowledged the sentence disparity, but also noted that Fetters’ criminal history was much more extensive than his co-conspirators. *See United States v. Treadwell*, 593 F.3d 990, 1012 (9th Cir. 2010) (“sentencing disparity is only one factor a court considers in crafting an individualized sentence under § 3553(a)”)

Fetters also contends that the sentence is substantively unreasonable. In light of the totality of the circumstances and the 18 U.S.C. § 3553(a) factors, the sentence is reasonable. *See Gall v. United States*, 552 U.S. 38, 51 (2007); *see also United States v. Carty*, 520 F.3d 984, 995-96 (9th Cir. 2008) (en banc).

AFFIRMED.