

FILED

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

APR 19 2011

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

UNITED STATES OF AMERICA,

Plaintiff-Appellant,

v.

WILLIAM VANCE TURNER,

Defendant-Appellee.

No. 09-50584

D.C. No. 2:07-cr-00604-MMM
Central District of California,
Los Angeles

ORDER

Before: LEAVY, HAWKINS, and THOMAS, Circuit Judges.

The memorandum disposition filed September 7, 2010 is withdrawn. A new memorandum disposition will be filed concurrently with this order.

The panel has voted to deny the petition for panel rehearing.

The full court has been advised of the petition for rehearing en banc and no judge has requested a vote on whether to rehear the matter en banc. *See Fed. R.*

App. P. 35.

Turner's petition for panel rehearing and petition for rehearing en banc are denied.

No further filings will be accepted in this closed case.

NOT FOR PUBLICATION

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MEMORANDUM*

Appeal from the United States District Court
for the Central District of California
Margaret M. Morrow, District Judge, Presiding

Submitted August 23, 2010**

Before: LEAVY, HAWKINS, and THOMAS, Circuit Judges.

William Vance Turner appeals from his guilty-plea conviction and 192-month sentence for 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).

Turner contends that his guilty plea was not knowing and voluntary because the district court led him to believe erroneously that he could appeal the court's rulings on pre-plea motions. This contention is not supported by the record.

Turner further contends that the district court procedurally erred at sentencing by failing to appreciate the significance of abuse he suffered while in prison and by failing to address his susceptibility to future abuse. The record reflects that the district court did not procedurally err. *See United States v. Carty*, 520 F.3d 984, 991-93 (9th Cir. 2008) (en banc).

Finally, contrary to Turner's contention, the sentence imposed is substantively reasonable under the totality of the circumstances. *See id.* at 993.

AFFIRMED.