

APR 29 2011

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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NOT FOR PUBLICATION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.

EGONN TRUJIL BRADY,

Defendant - Appellant.

No. 09-30417

D.C. No. 1:09-cr-00043-RFC

MEMORANDUM*

Appeal from the United States District Court
for the District of Montana
Richard F. Cebull, Chief District Judge, Presiding

Argued and Submitted April 12, 2011
Seattle, Washington

Before: KLEINFELD, TASHIMA, and SILVERMAN, Circuit Judges.

Egonn Trujil Brady appeals from the sentence imposed following his guilty plea for failure to register as a sexual offender, in violation of 18 U.S.C. § 2250(a). Brady contends that his sentence, which exceeded the Guidelines range of 27-33 months, is substantively unreasonable.

* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

The district court did not procedurally err. United States v. Carty, 520 F.3d 984, 991-93 (9th Cir. 2008) (en banc). And the sentence was not substantively unreasonable. Though the sentence was very harsh, the judge gave valid reasons for it, and the record supported the view that the defendant had an unrelenting history of crime and proved a high danger to the public whenever released. The district court was within its discretion in deviating from the advisory Guidelines sentence, and the court provided adequate reasons for the deviation, which remained within the statutory maximum. 18 U.S.C. § 3553(a)(1), (a)(2)(C); United States v. Mohamed, 459 F.3d 979, 988-89 (9th Cir. 2006); United States v. Cherer, 513 F.3d 1150, 1161 (9th Cir. 2008).

AFFIRMED.