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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NOT FOR PUBLICATION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 style="text-align: center;">Plaintiff - Appellee,</p> <p style="text-align: center;">v.</p> <p>TAMMY LYNN CADOTTE,</p> <p style="text-align: center;">Defendant - Appellant.</p>
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No. 10-30259

D.C. No. 4:10-cr-00008-SEH

MEMORANDUM\*

Appeal from the United States District Court  
for the District of Montana  
Sam E. Haddon, District Judge, Presiding

Submitted May 24, 2011\*\*

Before: PREGERSON, THOMAS, and PAEZ, Circuit Judges.

Tammy Lynn Cadotte appeals from the 20-month sentence imposed following her guilty-plea conviction for misprision of felony, in violation of 18 U.S.C. § 4. 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). Cadotte’s request for oral argument is denied.

Cadotte contends that her sentence is substantively unreasonable because it does not reflect the 18 U.S.C. § 3553(a) factors, including mitigating factors related to Cadotte's history and characteristics. The district court considered Cadotte's mitigation evidence, including testimony regarding abuse by her husband, and concluded that a 20-month sentence was warranted. In light of the totality of the circumstances and the 18 U.S.C. § 3553(a) sentencing factors, this was not an abuse of discretion. *See Gall v. United States*, 552 U.S. 38, 51 (2007); *United States v. Whitehead*, 532 F.3d 991, 993 (9th Cir. 2008) (per curiam) (no abuse of discretion where the sentence is based on facts, including defendant's credibility, as found by the district court at the sentencing hearing).

**AFFIRMED.**