

JUN 27 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NOT FOR PUBLICATION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 style="text-align: center;">Plaintiff - Appellee,</p> <p style="text-align: center;">v.</p> <p>MICHAEL EDWARD MCCREADY,</p> <p style="text-align: center;">Defendant - Appellant.</p>

No. 10-50176

D.C. No. 2:09-cr-01066-GHK

MEMORANDUM*

Appeal from the United States District Court
for the Central District of California
George H. King, District Judge, Presiding

Submitted June 15, 2011**

Before: CANBY, O’SANNLAIN, and FISHER, Circuit Judges.

Michael Edward McCready appeals from the 108-month sentence imposed following his guilty-plea conviction for securities fraud, in violation of 15 U.S.C. §§ 78j(b) and 78ff. We have jurisdiction pursuant to 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).

McCready contends that the district court erred at sentencing by failing to consider the facts of McCready's case and miscalculating the Guidelines range when it failed to depart downward under U.S.S.G. § 5K2.16 for voluntary disclosure. The record reflects that the district court did not procedurally err, and in light of the totality of the circumstances, the within-Guidelines sentence is substantively reasonable. *See United States v. Carty*, 520 F.3d 984, 991-93 (9th Cir. 2008) (en banc); *United States v. Mohamed*, 459 F.3d 979, 986 (9th Cir. 2006) (stating that the departure scheme has "essentially" been replaced by the requirement that judges impose a 'reasonable' sentence).

AFFIRMED.