

AUG 11 2011

MOLLY C. DWYER, CLERK
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NOT FOR PUBLICATION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>ADRIAN GARY GOODBEAR,</p> <p>Defendant - Appellant.</p>
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No. 10-30248

D.C. No. 1:08-cr-00132-RFC

MEMORANDUM*

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

Submitted August 2, 2011**

Before: RYMER, IKUTA, and N.R. SMITH, Circuit Judges.

Adrian Gary Goodbear appeals from the life sentence imposed following his guilty-plea conviction for second degree murder, in violation of 18 U.S.C. §§ 1111 and 1153(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).

Goodbear contends that the district court “did not adequately weigh or give consideration to [his] history and characteristics” under 18 U.S.C. § 3553(a). The record shows that the district court did properly consider the factors, as it addressed several of the section 3553(a) factors at the sentencing hearing. *See United States v. Carty*, 520 F.3d 984, 992 (9th Cir. 2008) (en banc) (“The district court need not tick off each of the § 3553(a) factors to show that it has considered them.”).

Goodbear also contends that his sentence is substantively unreasonable. In light of the totality of the circumstances and the section 3553(a) sentencing factors, Goodbear’s sentence is reasonable. *id.* at 993.

AFFIRMED.