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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NOT FOR PUBLICATION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. DENNIS RAY EAGLE, Defendant - Appellant.	No. 10-30231 D.C. No. 4:09-cr-00116-SEH MEMORANDUM*

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

Submitted September 27, 2011**

Before: SILVERMAN, W. FLETCHER, and MURGUIA, Circuit Judges.

Dennis Ray Eagle appeals from the 180-month sentence imposed following his guilty-plea conviction for sexual abuse, in violation of 18 U.S.C. §§ 1153(a) and 2242(2)(B). We have jurisdiction under 28 U.S.C. § 1291, and we affirm.

Eagle contends that his sentence, which was above the advisory Sentencing

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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).

Guidelines range, was substantively unreasonable. Numerous factors, including Eagle's violent history, psychological profile, and previous rejection of court-ordered treatment, supported the district court's determination that a within-Guidelines sentence was inadequate to punish Eagle and to protect the public from his further crimes. *See* 18 U.S.C. § 3553(a). The district court did not abuse its discretion. *See Gall v. United States*, 552 U.S. 38, 51 (2007).

Eagle also contends that the district court failed to explain its sentence sufficiently. This contention is belied by the record, which reflects that the district court explained its decision in detail and "ha[d] a reasoned basis for exercising [its] own legal decisionmaking authority." *See Rita v. United States*, 551 U.S. 338, 356 (2007).

AFFIRMED.