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U.S. COURT OF APPEALS

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UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

UNITED STATES OF AMERICA, Plaintiff - Appellee, v. DONELL HATCHER, Defendant - Appellant.	No. 10-10591 D.C. No. 3:09-cr-00625-WBS MEMORANDUM*

Appeal from the United States District Court
for the Northern District of California
William B. Shubb, District Judge, Presiding

Submitted December 19, 2011**

Before: GOODWIN, WALLACE, and McKEOWN, Circuit Judges.

Donell Hatcher appeals from the 36-month sentence imposed following his guilty-plea conviction for failure to appear, in violation of 18 U.S.C. § 3146(a)(1). 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).

Hatcher contends that the district court procedurally erred by failing to consider all of 18 U.S.C. § 3553(a) factors and by failing to explain adequately its reasons for the sentence imposed. The record belies Hatcher's contentions. The district court is not required to refer to each § 3553(a) factor. *See United States v. Mix*, 457 F.3d 906, 912-13 (9th Cir. 2006). The district court's explanation of Hatcher's sentence was sufficient. *See United States v. Carty*, 520 F.3d 984, 992, 995 (9th Cir. 2008) (en banc).

Hatcher also contends that his sentence is substantively unreasonable. Hatcher's contentions that the district court erred in declining to apply a downward adjustment for acceptance of responsibility, and in rejecting his argument that his criminal history category overrepresented his criminal history, are not supported by the record. In light of the totality of the circumstances and the sentencing factors set forth in 18 U.S.C. § 3553(a), the within-Guidelines sentence is reasonable. *See Gall v. United States*, 552 U.S. 38, 51 (2007).

AFFIRMED.