

JUL 27 2012

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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NOT FOR PUBLICATION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>BERT TRAVIS LITTLE OWL,</p> <p style="text-align: center;">Defendant - Appellant.</p>
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No. 11-30248

D.C. No. 1:10-cr-00098-RFC

MEMORANDUM*

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

Submitted July 17, 2012**

Before: SCHROEDER, THOMAS, and SILVERMAN, Circuit Judges.

Bert Travis Little Owl appeals from the 168-month sentence imposed following his jury-trial conviction for aggravated sexual assault, in violation of 18 U.S.C. §§ 1153(a) and 2241(c). We have jurisdiction under 28 U.S.C. § 1291, and

* 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).

we affirm.

Little Owl contends that the district court erred by basing his sentence on the false presumption that he had committed other sexual offenses. This contention is belied by the record.

Little Owl also contends that his sentence is substantively unreasonable because it does not reflect his medical needs or his history and personal characteristics. Under the totality of the circumstances and the 18 U.S.C. § 3553(a) sentencing factors, the sentence is substantively reasonable. *See Gall v. United States*, 552 U.S. 38, 51 (2007).

AFFIRMED.