

AUG 14 2012

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

KHALILAH LATOYA FULLER,

Defendant - Appellant.

No. 12-10019

D.C. No. 2:08-cr-00145-KJM

MEMORANDUM*

Appeal from the United States District Court
for the Eastern District of California
Kimberly J. Mueller, District Judge, Presiding

Submitted August 8, 2012**

Before: ALARCÓN, BERZON, and IKUTA, Circuit Judges.

Khalilah Latoya Fuller appeals from the 27-month sentence imposed following her guilty-plea conviction for conspiracy to commit bank fraud, in violation of 18 U.S.C. § 1349, and three counts of bank fraud, in violation of 18

* 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).

U.S.C. § 1344. We have jurisdiction under 28 U.S.C. § 1291, and we affirm.

Fuller contends that her sentence is substantively unreasonable in view of the mitigating factors in her case. The record reflects that the district court considered the 18 U.S.C. § 3553(a) sentencing factors and Fuller's mitigating arguments, but found the circumstances insufficient to warrant a below-Guidelines sentence. The sentence at the bottom of the Guidelines range is substantively reasonable in light of the totality of the circumstances and the section 3553(a) sentencing factors. *See Gall v. United States*, 552 U.S. 38, 51 (2007).

AFFIRMED.