

AUG 15 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NOT FOR PUBLICATION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>Plaintiff - Appellee,</p> <p>v.</p> <p>LESLIE JON CLAASSEN,</p> <p>Defendant - Appellant.</p>

No. 11-30359

D.C. No. 1:11-cr-00003-RFC

MEMORANDUM*

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

Submitted August 8, 2012**

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

Leslie Jon Claassen appeals from the 240-month sentence imposed following his guilty-plea conviction for receipt of child pornography, in violation of 18 U.S.C. § 2252A(a)(2). We have jurisdiction under 28 U.S.C. § 1291, and we

* 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).

affirm.

Claassen contends that his above-Guidelines sentence, which was imposed to run consecutively to his state court sentence, is substantively unreasonable because it is greater than necessary to satisfy the purposes of 18 U.S.C. § 3553(a). In light of Claassen's history of sexual abuse of minors and his repeated failure in sexual offender treatment programs, the district court was within its discretion to impose the federal sentence to run consecutively to Claassen's state court sentence. The sentence 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.