

SEP 19 2012

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

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

FOR THE NINTH CIRCUIT

<p>UNITED STATES OF AMERICA,</p> <p>Plaintiff - Appellee,</p> <p>v.</p> <p>LARRY GOODALL,</p> <p>Defendant - Appellant.</p>

No. 11-10597

D.C. No. 2:10-cr-00401-PMP-PAL-1

MEMORANDUM*

Appeal from the United States District Court
for the District of Nevada
Philip M. Pro, District Judge, Presiding

Submitted September 10, 2012**
Las Vegas, Nevada

Before: ARNOLD***, RAWLINSON, and BYBEE, Circuit Judges.

Appellant Larry Goodall (“Goodall”) appeals the district court’s denial of his motion to withdraw his plea of guilty to one count of transportation of a minor

* 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).

*** The Honorable Morris S. Arnold, Senior Circuit Judge for the Eighth Circuit, sitting by designation.

for prostitution under 18 U.S.C. § 2421. The facts of this case are known to the parties. We have jurisdiction under 28 U.S.C. § 1291, and we affirm.

Federal Rule of Criminal Procedure 11(d)(2)(B), permits withdrawal if the defendant “can show a fair and just reason” for his request. Fed. R. Crim. P. 11(d)(2)(B). “We review the denial of a motion to withdraw a plea for abuse of discretion.” *United States v. Mayweather*, 634 F.3d 498, 504 (9th Cir. 2010).

Goodall has not demonstrated a “fair and just reason” for withdrawal. There is extensive evidence in the record demonstrating Goodall’s guilt, and Goodall received a substantially shorter sentence than he would have had he been convicted of the three other charges that the government dropped under the terms of the plea agreement.

AFFIRMED.