

OCT 17 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NOT FOR PUBLICATION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.

GLEN RAY BRIGGS,

Defendant - Appellant.

Nos. 11-30382

11-30383

11-30384

11-30385

D.C. Nos. 2:07-cr-02065-LRS

2:07-cr-02063-LRS

2:07-cr-02114-LRS

2:07-cr-02066-LRS

MEMORANDUM*

Appeal from the United States District Court
for the Eastern District of Washington
Lonny R. Suko, District Judge, Presiding

Submitted October 9, 2012**

Before: RAWLINSON, MURGUIA, and WATFORD, Circuit Judges.

In these consolidated appeals, Glen Ray Briggs appeals from the 240-month sentence imposed following his guilty-plea convictions for various drug, firearm

* 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).

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

Briggs contends that his sentence is substantively unreasonable because his Guidelines sentencing range was based on a fictional amount of drugs, and because the sentence is greater than necessary to accomplish the goals of sentencing. The district court considered Briggs's mitigation arguments, including his contentions regarding the fictional nature of the drugs, in imposing a below-Guidelines sentence. In light of 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.