

MAR 22 2013

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NOT FOR PUBLICATION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.

WILLIAM JOSEPH VOTH, Jr.,

Defendant - Appellant.

No. 12-30194

D.C. No. 2:11-cr-00035-DWM

MEMORANDUM*

Appeal from the United States District Court
for the District of Montana
Donald W. Molloy, District Judge, Presiding

Submitted March 12, 2013**

Before: PREGERSON, REINHARDT, and W. FLETCHER, Circuit Judges.

William Joseph Voth, Jr., appeals from the district court's judgment and challenges the 87-month sentence imposed following his guilty-plea conviction for conspiracy to distribute methamphetamine, in violation of 21 U.S.C.

* 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).

§§ 841(b)(1)(B), 846, and 851. We have jurisdiction under 28 U.S.C. § 1291, and we affirm.

Voth contends that his sentence is substantively unreasonable in light of the 18 U.S.C. § 3553(a) sentencing factors. The district court imposed a sentence below the mandatory minimum after granting the government's substantial assistance motion under 18 U.S.C. § 3553(e). The court gave Voth the full benefit of the substantial assistance departure, and was precluded from further reducing his sentence under the section 3553(a) factors. *See United States v. Jackson*, 577 F.3d 1032, 1036 (9th Cir. 2009).

AFFIRMED.