

JUN 18 2014

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NOT FOR PUBLICATION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.

LESLIE GUY WILSON,

Defendant - Appellant.

No. 13-30320

D.C. No. 2:13-cr-00024-RSL

MEMORANDUM*

Appeal from the United States District Court
for the Western District of Washington
Robert S. Lasnik, District Judge, Presiding

Submitted June 12, 2014**

Before: McKEOWN, WARDLAW, and M. SMITH, Circuit Judges.

Leslie Guy Wilson appeals from the district court's judgment and challenges the 60-month sentence imposed following his guilty-plea conviction for escape, in violation of 18 U.S.C. § 751(a). We have jurisdiction under 28 U.S.C. § 1291, and we affirm.

* 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).

Wilson contends that the district court procedurally erred by failing to use the Guidelines as a starting point in its analysis and to keep the range in mind throughout the sentencing hearing. We review for plain error, *see United States v. Valencia-Barragan*, 608 F.3d 1103, 1108 (9th Cir. 2010), and find none. The district court properly used the correctly calculated Guidelines range as its analytical starting point and kept the range in mind while weighing the 18 U.S.C. § 3553(a) sentencing factors. *See United States v. Autery*, 555 F.3d 864, 872 (9th Cir. 2009).

Wilson also contends that his sentence is substantively unreasonable in light of the nature of the underlying offense and his mitigating circumstances. The district court did not abuse its discretion in imposing Wilson's sentence. *See Gall v. United States*, 552 U.S. 38, 51 (2007). The sentence is substantively reasonable in light of the section 3553(a) sentencing factors and the totality of the circumstances, including Wilson's violent criminal history and the need to promote respect for the law. *See id.*

Because the existing record is sufficient for our review, we deny the government's motion for judicial notice, filed on March 28, 2014.

AFFIRMED.