

NOV 25 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NOT FOR PUBLICATION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.

JOSEPH DEAN LIRA,

Defendant - Appellant.

No. 13-30336

D.C. No. 1:10-cr-00135-DWM

MEMORANDUM*

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

Submitted November 18, 2014**

Before: LEAVY, FISHER, and N.R. SMITH, Circuit Judges.

Joseph Dean Lira appeals from the district court’s judgment and challenges the 322-month sentence imposed on resentencing following his jury-trial convictions for possession with intent to distribute, and distribution of, methamphetamine, and aiding and abetting, in violation of 21 U.S.C. § 841(a)(1),

* 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 18 U.S.C. § 2; and using or carrying and possession of firearms during and in relation to and in furtherance of a drug trafficking crime, in violation of 18 U.S.C. § 924(c). We have jurisdiction under 28 U.S.C. § 1291, and we affirm.

Lira contends that his sentence is substantively unreasonable because it fails to account for his social background, including his drug addiction, and his post-sentencing conduct. The district court did not abuse its discretion in imposing Lira's sentence. *See Gall v. United States*, 552 U.S. 38, 51 (2007). The within-Guidelines sentence is substantively reasonable in light of the 18 U.S.C. § 3553(a) sentencing factors and the totality of the circumstances, including Lira's violent conduct. *See id.*

AFFIRMED.