

DEC 16 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NOT FOR PUBLICATION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.

CLEMENT DAVID KING,

Defendant - Appellant.

No. 13-30057

D.C. No. 4:10-cr-00015-SEH-1

MEMORANDUM*

Appeal from the United States District Court
for the District of Montana
Sam E. Haddon, District Judge, Presiding

Argued and Submitted December 11, 2014
Seattle, Washington

Before: McKEOWN, TALLMAN, and OWENS, Circuit Judges.

Following his conviction for sexual abuse of a minor and attempted receipt of child pornography, Clement King was sentenced to 365 months' imprisonment. On appeal, a panel of this court vacated his sentence after determining that the district court committed procedural error in calculating King's Sentencing

* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

Guidelines range. *United States v. King*, 468 F. App'x 734 (9th Cir. 2012). On remand, the district court properly calculated the Guidelines range as 151 to 188 months, but imposed the same sentence of 365 months' imprisonment. In this appeal, King asserts that his sentence was substantively unreasonable.

We review the substantive reasonableness of a sentence for "abuse of discretion." *United States v. Carty*, 520 F.3d 984, 993 (9th Cir. 2008) (en banc). We may only vacate the sentence if we have "a definite and firm conviction that the district court committed a clear error of judgment in the conclusion it reached upon weighing the relevant factors." *United States v. Amezcua-Vasquez*, 567 F.3d 1050, 1055 (9th Cir. 2009). In light of this deferential standard of review, we AFFIRM.