

JUN 22 2016

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NOT FOR PUBLICATION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.

LESTER LEECODY RUNSABOVE,

Defendant - Appellant.

No. 15-30299

D.C. No. 1:14-cr-00131-SPW

MEMORANDUM*

Appeal from the United States District Court
for the District of Montana
Susan P. Watters, District Judge, Presiding

Submitted June 14, 2016**

Before: BEA, WATFORD, and FRIEDLAND, Circuit Judges.

Lester Leecody Runsabov appeals from the district court's judgment and challenges the 34-month sentence imposed following his guilty-plea conviction for being a felon in possession of a firearm and ammunition, in violation of 18 U.S.C. § 922(g)(1). 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).

Runsabove contends that the district court abused its discretion by electing to run the 34-month sentence consecutive to an undischarged state sentence. He argues that the resulting sentence is substantively unreasonable in light of his horrific childhood, his history of substance abuse, and the delay between his state and federal sentencing hearings. The district court did not abuse its discretion in imposing Runsabove's sentence. *See Gall v. United States*, 552 U.S. 38, 51 (2007). The 34-month consecutive sentence is substantively reasonable in light of the 18 U.S.C. § 3553(a) sentencing factors and the totality of the circumstances, including Runsabove's significant criminal history and the nature of the offense. *See* U.S.S.G. § 5G1.3 cmt. n. 4(C); *Gall*, 552 U.S. at 51.

AFFIRMED.