

AUG 23 2016

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

v.

RICHARD M. ROSSIGNOL,

Defendant-Appellant.

No. 14-50350

D.C. No. 2:12-cr-00995-ABC

MEMORANDUM*

Appeal from the United States District Court
for the Central District of California
Audrey B. Collins, District Judge, Presiding

Submitted August 16, 2016**

Before: O'SCANNLAIN, LEAVY, and CLIFTON, Circuit Judges.

Richard M. Rossignol appeals from the district court's judgment and challenges the 240-month sentence imposed following his jury-trial conviction for conspiracy to commit mail and wire fraud, in violation of 18 U.S.C. § 1349. 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 Ninth Circuit Rule 36-3.

** The panel unanimously concludes this case is suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

Rossignol contends that his sentence is substantively unreasonable in light of the alleged sentencing disparity between his sentence and that of his co-conspirator, and because the 24-level enhancement he received under U.S.S.G. § 2B1.1(b)(1)(m) overstated the seriousness of the offense. The district court did not abuse its discretion. *See Gall v. United States*, 552 U.S. 38, 51 (2007). The sentence is substantively reasonable in light of the 18 U.S.C. § 3553(a) sentencing factors and the totality of the circumstances, including the number of victims and the loss amount. *See Gall*, 552 U.S. at 51; *see also United States v. Ressam*, 679 F.3d 1069, 1094-95 (9th Cir. 2012) (en banc) (finding no unwarranted sentencing disparity between individuals who plead guilty and those who put the government to its burden of proof).

AFFIRMED.