

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

FILED

NOV 01 2016

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

v.

YONG CHA LEE,

Defendant-Appellant.

No. 15-30219

D.C. No. 3:02-cr-05469-RJB

MEMORANDUM*

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

Submitted October 25, 2016**

Before: LEAVY, GRABER, and CHRISTEN, Circuit Judges.

Yong Cha Lee appeals from the district court's judgment and challenges the 72-month sentence imposed following her guilty-plea conviction for conspiracy to distribute a listed chemical, in violation of 21 U.S.C. §§ 841(c)(2) and 846. 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).

Lee contends that her sentence is substantively unreasonable in light of the fact that she will be deported to Korea following her incarceration, where she has no family except two elderly sisters. The district court did not abuse its discretion in imposing Lee's sentence. *See Gall v. United States*, 552 U.S. 38, 51 (2007). The court varied downward 168 months to account for Lee's deportability and other mitigating factors. The below-Guidelines sentence is substantively reasonable in light of the 18 U.S.C. § 3553(a) sentencing factors and the totality of the circumstances, including Lee's decision to abscond from sentencing for almost 11 years. *See Gall*, 552 U.S. at 51.

AFFIRMED.