

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

APR 24 2017

FOR THE NINTH CIRCUIT

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

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

v.

PAUL BAKER, a.k.a. Darwin Stanton  
Baker, Jr., a.k.a. Paul D. Baker, a.k.a. Paul  
Douglas Baker,

Defendant-Appellant.

No. 16-50163

D.C. No. 2:11-cr-00543-JFW

MEMORANDUM\*

Appeal from the United States District Court  
for the Central District of California  
John F. Walter, District Judge, Presiding

Submitted April 11, 2017\*\*

Before: GOULD, CLIFTON, and HURWITZ, Circuit Judges.

Paul Baker appeals from the district court's judgment and challenges the aggregate 135-month sentence imposed following his jury-trial convictions for conspiracy to commit mail fraud, wire fraud, and offer and sale of unregistered

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\* 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).

securities, in violation of 18 U.S.C. § 371; mail fraud securities, in violation of 18 U.S.C. § 1341; wire fraud, in violation of 18 U.S.C. § 1343; offer and sale of unregistered securities and aiding and abetting and causing an act to be done, in violation of 15 U.S.C. §§ 77e and 77x and 18 U.S.C. § 2. We have jurisdiction under 28 U.S.C. § 1291, and we affirm.

Baker contends that the district court procedurally erred by failing to address his request for a downward departure for mental and emotional conditions and physical condition under U.S.S.G. §§ 5H1.3 and 5H1.4. We review for plain error, *see United States v. Valencia-Barragan*, 608 F.3d 1103, 1108 (9th Cir. 2010), and conclude that there was none. The record reflects that the court considered Baker's arguments and sufficiently explained its reasons for concluding that a mid-range sentence was warranted. *See United States v. Carty*, 520 F.3d 984, 992 (9th Cir. 2008) (en banc).

**AFFIRMED.**