

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

FEB 21 2019

FOR THE NINTH CIRCUIT

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

UNITED STATES OF AMERICA,

No. 18-10276

Plaintiff-Appellee,

D.C. No. 2:13-cr-00287-GEB

v.

MEMORANDUM*

DEMETRI DEARTH,

Defendant-Appellant.

Appeal from the United States District Court
for the Eastern District of California
Garland E. Burrell, Jr., District Judge, Presiding

Submitted February 19, 2019**

Before: FERNANDEZ, SILVERMAN, and WATFORD, Circuit Judges.

Demetri Dearth appeals from the district court's judgment and challenges the 12-month sentence imposed following her guilty-plea conviction for making false statements and mail fraud, in violation of 18 U.S.C. §§ 1001 and 1341. 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).

Dearth contends that the sentence is substantively unreasonable in light of the nature of the offense, her largely law-abiding life, her difficult childhood, her performance on pretrial release, and her role as a caregiver to her mother and spouse. The district court did not abuse its discretion. *See Gall v. United States*, 552 U.S. 38, 51 (2007). Dearth's sentence is substantively reasonable in light of the 18 U.S.C. § 3553(a) factors and the totality of the circumstances, including the number of crimes Dearth committed, the risk Dearth created to public safety, and the need to achieve deterrence. *See Gall*, 552 U.S. at 51. The record does not support Dearth's contention that the district court failed to consider her caretaking role. Moreover, the court adequately explained the sentence. *See United States v. Carty*, 520 F.3d 984, 992 (9th Cir. 2008) (en banc).

AFFIRMED.