

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

JUN 26 2025

FOR THE NINTH CIRCUIT

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

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

CHRISTIAN T. CUNDIFF,

Defendant - Appellant.

No. 24-4514

D.C. No.

1:23-cr-00024-FMTG-1

MEMORANDUM*

Appeal from the District Court of Guam
Frances Tydingco-Gatewood, District Judge, Presiding

Submitted June 18, 2025**

Before: CANBY, S.R. THOMAS, and SUNG, Circuit Judges.

Christian T. Cundiff appeals from the district court's judgment and challenges the 8-month sentence imposed upon his guilty-plea conviction for distribution of methamphetamine hydrochloride, in violation of 21 U.S.C. § 841(a)(1), (b)(1)(C) and 18 U.S.C. § 2. We have jurisdiction under 28 U.S.C.

* 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).

§ 1291, and we affirm.

Cundiff first contends the district court procedurally erred by failing to consider his pre-indictment rehabilitation. The record belies this claim. The court heard extensive argument on Cundiff's rehabilitative efforts and acknowledged his "good record," which it believed supported a downward variance from the Guidelines range. That the court declined to impose the probationary sentence Cundiff requested does not reflect that it failed to consider his arguments.

Cundiff next contends that his sentence is substantively unreasonable in light of his pre-indictment "transformation into a law-abiding citizen." The district court did not abuse its discretion, however, in concluding that an 8-month sentence was warranted. *See Gall v. United States*, 552 U.S. 38, 51 (2007). The below-Guidelines sentence is substantively reasonable in light of the 18 U.S.C. § 3553(a) factors and the totality of the circumstances, including the nature and seriousness of the offense. *See Gall*, 552 U.S. at 51.

AFFIRMED.