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**CATHY A. CATTERSON, CLERK
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NOT FOR PUBLICATION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 T. BROWN,

Defendant - Appellant.

No. 06-30409

D.C. No. CR-03-05426-02-RBL

MEMORANDUM*

Appeal from the United States District Court
for the Western District of Washington
Ronald B. Leighton, District Judge, Presiding

Submitted November 13, 2007**

Before: TROTT, W. FLETCHER, and CALLAHAN, Circuit Judges.

Richard T. Brown appeals from the district court's order denying his motion to reconsider its decision not to impose a materially different sentence following a

* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

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

limited remand under *United States v. Ameline*, 409 F.3d 1073 (9th Cir. 2005) (en banc). We have jurisdiction pursuant to 28 U.S.C. § 1291, and we affirm.

Brown contends that his sentence is unreasonable because the district court did not consider the sentencing factors set forth in 18 U.S.C. § 3553(a) and impermissibly relied on his drug addiction as a reason not to resentence. We disagree, and we affirm. *See United States v. Combs*, 470 F.3d 1294, 1296-97 (9th Cir. 2006); *United States v. Plouffe*, 445 F.3d 1126, 1131-32 (9th Cir.), *cert. denied*, 126 S. Ct. 2314 (2006).

Brown's request to transfer this case to a different district court judge is denied as moot.

AFFIRMED.