

MAY 23 2008

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>UNITED STATES OF AMERICA,</p> <p>Plaintiff - Appellee,</p> <p>v.</p> <p>KENNETH FRANCIS BLACKCROW,</p> <p>Defendant - Appellant.</p>

No. 07-30254

D.C. No. CR-07-00002-SEH

MEMORANDUM*

Appeal from the United States District Court
for the District of Montana
Sam E. Haddon, District Judge, Presiding

Submitted May 20, 2008**

Before: PREGERSON, TASHIMA, and GOULD, Circuit Judges.

Kenneth Francis Blackcrow appeals from the 30-month sentence imposed following his guilty-plea conviction for being a felon in possession of a firearm, in violation of 18 U.S.C. § 922(g)(1). 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 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).

Blackcrow contends that his sentence is unreasonably long in light of his personal circumstances, the requirement to impose a sentence not greater than necessary, and his need for rehabilitation and treatment. We conclude that the district court did not procedurally err and that, under the totality of the circumstances, Blackcrow's within-Guidelines range sentence is substantively reasonable. *See United States v. Carty*, Nos. 05-10200, 05-30120, 2008 WL 763770, at *4 (9th Cir. Mar. 24, 2008) (en banc).

AFFIRMED.