

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

FILED

AUG 05 2008

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

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

KAREN DAWN GOOD TRACK,

Defendant - Appellant.

No. 07-30475

D.C. No. CR-07-00071-SEH

MEMORANDUM\*

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

Submitted July 22, 2008\*\*

Before: B. FLETCHER, THOMAS, and WARDLAW, Circuit Judges

Karen Good Track appeals the sentence imposed following her guilty plea to arson on an Indian Reservation in violation of 18 U.S.C. §§ 81 and 1153(a). She contends that the district court erred in making an upward adjustment for

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\* 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).

obstruction of justice under U.S.S.G. § 3C1.1. We have jurisdiction under 28 U.S.C. § 1291, and we affirm.

We review sentencing decisions for an abuse of discretion. *United States v. Carty*, 520 F.3d 984, 993 (9th Cir. 2008) (en banc), *cert. denied*, 2008 WL 1815337 (U.S. May 19, 2008) (No. 07-10482). It is procedural error, and thus an abuse of discretion, for a district court to calculate the Sentencing Guidelines range incorrectly. *Id.* We review for clear error the district court's factual determination whether a defendant obstructed justice. *United States v. Garro*, 517 F.3d 1163, 1171 (9th Cir. 2008).

The district court found that Good Track willfully attempted to obstruct justice by threatening to burn down the house of a material witness if that witness told authorities about Good Track's arson. *See* U.S.S.G. § 3C1.1, comment. (n.4(a)). The district court did not clearly err in finding that Good Track obstructed justice. *See Garro*, 517 F.3d at 1171.

**AFFIRMED.**