

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

FILED

FEB 26 2009

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

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

GERALD LEE LITTLEHEAD,

Defendant - Appellant.

No. 08-30103

D.C. No. 06-CR-00061-SEH

MEMORANDUM*

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

Argued and Submitted February 3, 2009
Portland, Oregon

Before: PAEZ and RAWLINSON, Circuit Judges, and JENKINS**, District Judge.

Gerald Lee Littlehead (Littlehead) appeals his 120-month sentence.

Considering the totality of the circumstances, the sentence imposed on Littlehead was reasonable. *See United States v. Carty*, 520 F.3d 984, 993 (9th Cir.

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

2008) (en banc) (“Appellate review is to determine whether the sentence is reasonable . . .”) (citations omitted).

The district court adequately considered the relevant factors listed in 18 U.S.C. § 3553(a). *See id.* (“For a non-Guidelines sentence, we are to give due deference to the district court’s decision that the § 3553(a) factors, on a whole, justify the extent of the variance.”) (citations and internal quotation marks omitted). Further, the district court did not give undue weight to any of the factors in determining that a variance was warranted.

AFFIRMED.