

APR 29 2009

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

MALCOLM REID MCDONALD,

Defendant - Appellant.

No. 08-30323

D.C. No. 4:08-cr-00066-SEH

MEMORANDUM\*

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

Submitted April 13, 2009\*\*

Before: GRABER, GOULD, and BEA, Circuit Judges.

Malcolm Reid McDonald appeals from the 33-month sentence imposed following his guilty-plea conviction for misuse of a social security number, in

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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).

violation of 42 U.S.C. § 408(a)(7)(B), and aggravated identity theft, in violation of 18 U.S.C. § 1028A(a)(1). We have jurisdiction pursuant to 28 U.S.C. § 1291, and we affirm.

McDonald contends that his sentence is unreasonable because the district court failed to consider the sentencing factors listed in 18 U.S.C. § 3553(a) and because the sentence is greater than necessary. We conclude that the district court did not commit procedural error, and that the sentence is substantively reasonable.

*See United States v. Stoterau*, 524 F.3d 988, 999-1002 (9th Cir. 2008).

**AFFIRMED.**