

MAR 29 2011

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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NOT FOR PUBLICATION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>RUSSELL BRADNEY,</p> <p>Defendant - Appellant.</p>
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No. 10-30109

D.C. No. 6:09-cr-00009-DM

MEMORANDUM\*

Appeal from the United States District Court  
for the District of Montana  
Donald W. Molloy, District Judge, Presiding

Submitted March 8, 2011\*\*

Before: FARRIS, O’SCANNLAIN, and BYBEE, Circuit Judges.

Russell Bradney appeals from the 120-month sentence imposed following his bench-trial conviction for distribution of child pornography, in violation of 18 U.S.C. § 2252A(a)(2). We have jurisdiction under 28 U.S.C. § 1291, and we affirm.

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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 concludes this case is suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

Bradney contends that the sentence is procedurally and substantively unreasonable in light of the district court's failure to consider and adequately weigh all of the factors under 18 U.S.C. § 3553(a), including his lack of criminal history and the need to avoid unwarranted sentence disparities. The record reflects that the district court did not procedurally err and that, in light of the totality of the circumstances, the sentence was substantively reasonable. *See United States v. Carty*, 520 F.3d 984, 991-93 (9th Cir. 2008) (en banc); *United States v. Stoterau*, 524 F.3d 988, 998-1002 (9th Cir. 2008).

**AFFIRMED.**