

OCT 04 2016

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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## NOT FOR PUBLICATION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.

ROBERT EARL CUNNINGHAM,

Defendant-Appellant.

No. 14-30259

D.C. No. 3:13-cr-00122-SLG

MEMORANDUM\*

Appeal from the United States District Court  
for the District of Alaska  
Sharon L. Gleason, District Judge, Presiding

Submitted September 27, 2016\*\*

Before: TASHIMA, SILVERMAN, and M. SMITH, Circuit Judges.

Robert Earl Cunningham appeals from the district court's judgment and challenges the 600-month sentence imposed following his guilty-plea conviction for six counts of sexual exploitation of a child, in violation of 18 U.S.C.

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\* This disposition is not appropriate for publication and is not precedent except as provided by Ninth Circuit Rule 36-3.

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

§§ 2251(a), (b), and (e). We have jurisdiction under 28 U.S.C. § 1291, and we affirm.

Cunningham contends that the sentence is substantively unreasonable. The district court did not abuse its discretion in imposing Cunningham's sentence. *See Gall v. United States*, 552 U.S. 38, 51 (2007). The above-Guidelines sentence is substantively reasonable in light of the 18 U.S.C. § 3553(a) factors and the totality of the circumstances, including the nature of the offense and the need to protect the public. *See Gall*, 552 U.S. at 51.

**AFFIRMED.**