

AUG 02 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## NOT FOR PUBLICATION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.

RAY SHORT,

Defendant-Appellant.

No. 15-30224

D.C. No. 4:14-cr-00273-BLW

MEMORANDUM\*

Appeal from the United States District Court  
for the District of Idaho  
B. Lynn Winmill, Chief Judge, Presiding

Submitted July 26, 2016\*\*

Before: SCHROEDER, CANBY, and CALLAHAN, Circuit Judges.

Ray Short appeals from the district court's judgment and challenges the 180-month sentence imposed following his guilty-plea conviction for attempted sexual exploitation of a minor child, in violation of 18 U.S.C. § 2251(a). 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 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).

Short contends that his mandatory minimum sentence of 15 years violates the Eighth Amendment because it is cruel and unusual punishment. He argues that, given his age, poor health, and life expectancy, the 15-year sentence is effectively a life sentence, which is disproportionate to his offense. We review de novo. *See United States v. Shill*, 740 F.3d 1347, 1355 (9th Cir. 2014). Short's contention lacks merit because the sentence is not grossly disproportionate to the conduct underlying the offense. *See id.* (a sentence violates the Eighth Amendment when it is grossly disproportionate to the crime).

**AFFIRMED.**