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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NOT FOR PUBLICATION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>GLENN BOSWORTH,</p> <p>Defendant - Appellant.</p>
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No. 10-50530

D.C. No. 2:09-cr-00052-ODW

MEMORANDUM*

Appeal from the United States District Court
for the Central District of California
Otis D. Wright, II, District Judge, Presiding

Submitted February 21, 2012**

Before: FERNANDEZ, McKEOWN, and BYBEE, Circuit Judges.

Glenn Bosworth appeals from the 108-month sentence imposed following his guilty-plea conviction for use of interstate commerce to induce a minor to engage in criminal sexual activity, in violation of 18 U.S.C. § 2422. We have jurisdiction under 28 U.S.C. § 1291, and we affirm.

* 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. Appellant. P. 34(a)(2).

Bosworth contends that the district court erred by discounting the conclusions in the psychological reports and Bosworth's lack of a criminal history. The record reflects that the district court considered Bosworth's psychological reports, his rehabilitative efforts, and his personal circumstances as part of the totality of the circumstances. The district court did not procedurally err, and Bosworth's sentence is substantively reasonable in light of the totality of the circumstances and the 18 U.S.C. § 3553(a) sentencing factors. *See United States v. Carty*, 520 F.3d 984, 993 (9th Cir. 2008) (en banc) ("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.") (internal citation and quotations omitted).

Because Bosworth is represented by counsel, only counsel may submit filings and we therefore decline to consider the pro se briefing filed on March 30, 2011, September 6, 2011 and September 26, 2011.

Arguments raised for the first time in a reply brief are deemed waived. *See Bazuaye v. INS*, 79 F.3d 118, 120 (9th Cir. 1996) (per curiam).

Bosworth's request to reassign this case to a different judge on remand is denied as moot.

AFFIRMED.