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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NOT FOR PUBLICATION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>EDWARD KEITH STRILEY, Jr.,</p> <p>Defendant - Appellant.</p>

No. 11-10129

D.C. No. 2:10-cr-00225-GMN-RJJ-1

MEMORANDUM*

Appeal from the United States District Court
for the District of Nevada
Gloria M. Navarro, District Judge, Presiding

Submitted January 17, 2012**

Before: LEAVY, TALLMAN, and CALLAHAN, Circuit Judges.

Edward Keith Striley, Jr. appeals from the 151-month sentence imposed following his guilty-plea conviction for bank robbery, in violation of 18 U.S.C. § 2113(a). 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. App. P. 34(a)(2).

Striley contends the sentence is substantively unreasonable because the district court failed to exercise its discretion to vary from the career offender Guideline, which he argues is not supported by empirical evidence or national experience. The record reflects that the district court was aware of its discretion to depart from the Guideline, and in light of the totality of the circumstances and the 18 U.S.C. § 3553(a) sentencing factors, the bottom-of-the-Guidelines sentence is substantively reasonable. *See United States v. Carty*, 520 F.3d 984, 993 (9th Cir. 2008) (en banc); *United States v. Henderson*, 649 F.3d 955, 964 (9th Cir. 2011) (“District courts are not obligated to vary from the [career offender] Guidelines on policy grounds if they do not have, in fact, a policy disagreement with them.”).

AFFIRMED.