

AUG 31 2015

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

CASHMEN RAY ROBINSON, a.k.a.
Cash Robinson,

Defendant - Appellant.

No. 14-10422

D.C. No. 2:14-cr-00016-KJM

MEMORANDUM*

Appeal from the United States District Court
for the Eastern District of California
Kimberly J. Mueller, District Judge, Presiding

Submitted August 25, 2015**

Before: McKEOWN, CLIFTON, and HURWITZ, Circuit Judges.

Cashmen Ray Robinson appeals from the district court's judgment and challenges the 27-month sentence imposed following his guilty-plea conviction for escape, in violation of 18 U.S.C. § 751(a). We have jurisdiction under 28 U.S.C.

* 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).

§ 1291, and we affirm.

Robinson contends that the district court erred by failing to depart under various Guidelines sections. He also argues that the district court should have varied downward in light of the circumstances surrounding his escape and eventual self-surrender. Our review of a district court's decision not to depart or vary from the advisory Guidelines range is limited to determining whether the court imposed a substantively reasonable sentence. *See United States v. Ellis*, 641 F.3d 411, 421-22 (9th Cir. 2011). The district court did not abuse its discretion in imposing Robinson's sentence. *See Gall v. United States*, 552 U.S. 38, 51 (2007). The sentence at the bottom of the advisory Guidelines range is substantively reasonable in light of the 18 U.S.C. § 3553(a) sentencing factors and the totality of the circumstances, including Robinson's criminal history and the fact that his self-surrender occurred over one year after his escape. *See Gall*, 552 U.S. at 51.

AFFIRMED.