

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

JUN 15 2018

FOR THE NINTH CIRCUIT

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

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

v.

DAVID WILLIAM REEKS,

Defendant-Appellant.

No. 17-30177

D.C. No. 1:17-cr-00022-SPW

MEMORANDUM*

Appeal from the United States District Court
for the District of Montana
Susan P. Watters, District Judge, Presiding

Submitted June 12, 2018**

Before: RAWLINSON, CLIFTON, and NGUYEN, Circuit Judges.

David William Reeks appeals from the district court's judgment and challenges the 120-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 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). Accordingly, Reeks's request for oral argument is denied.

Reeks argues that the district court placed too much weight on the nature and circumstances of the offense, and too little weight on his remorse and substance abuse and mental health issues, resulting in a substantively unreasonable sentence. The district court did not abuse its discretion. *See Gall v. United States*, 552 U.S. 38, 51 (2007). The record reflects that the court considered several of the 18 U.S.C. § 3553(a) sentencing factors before imposing the sentence. The above-Guidelines sentence is substantively reasonable in light of the section 3553(a) factors and the totality of the circumstances, including Reeks’s criminal history and then-pending state charges. *See Gall*, 552 U.S. at 51; *United States v. Gutierrez-Sanchez*, 587 F.3d 904, 908 (9th Cir. 2009) (“The weight to be given the various [section 3553(a)] factors in a particular case is for the discretion of the district court.”)

AFFIRMED.