

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

DEC 3 2018

FOR THE NINTH CIRCUIT

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

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

v.

RONALD ANDREW SMITH,

Defendant-Appellant.

No. 18-30060

D.C. No. 1:17-cr-00055-SPW

MEMORANDUM*

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

Submitted November 27, 2018*

Before: CANBY, TASHIMA, and FRIEDLAND, Circuit Judges.

Ronald Andrew Smith appeals from the district court's judgment and challenges the 240-month sentence imposed following his guilty-plea conviction for possession with intent to distribute methamphetamine, in violation of 21 U.S.C. § 841(a)(1), (b)(1)(A). We have jurisdiction under 28 U.S.C. § 1291, and we

* 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).

affirm.

Smith contends that the sentence is substantively unreasonable. The district court did not abuse its discretion. *See Gall v. United States*, 552 U.S. 38, 51 (2007). The below-Guidelines sentence is substantively reasonable in light of the 18 U.S.C. § 3553(a) sentencing factors and the totality of the circumstances, including the danger to the public posed by Smith's flight from law enforcement in connection with the offense and on prior occasions, and his extensive criminal history. *See Gall*, 552 U.S. at 51. Contrary to Smith's argument, the sentence received by a defendant in another case does not show that Smith's sentence is unreasonable. *See United States v. Treadwell*, 593 F.3d 990, 1011-12 (9th Cir. 2010). Moreover, the court properly considered several aggravating and mitigating factors, not just sentencing disparities, in fashioning the sentence. *See id.*

AFFIRMED.