

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

AUG 23 2019

FOR THE NINTH CIRCUIT

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

UNITED STATES OF AMERICA,

No. 19-30003

Plaintiff-Appellee,

D.C. No. 2:18-cr-00083-TOR-1

v.

MEMORANDUM*

AMANDA LEE MCGEE,

Defendant-Appellant.

Appeal from the United States District Court
for the Eastern District of Washington
Thomas O. Rice, District Judge, Presiding

Submitted August 19, 2019**

Before: SCHROEDER, PAEZ, and HURWITZ, Circuit Judges.

Amanda Lee McGee appeals from the district court's judgment and challenges the 24-month sentence imposed following her guilty-plea conviction for being a felon in possession of a firearm and ammunition, in violation of 18 U.S.C. §§ 922(g)(1) and 924(a)(2). 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.

McGee challenges the district court's denial of her request for a downward departure, pursuant to U.S.S.G. § 4A1.3(b), for the alleged overrepresentation of her criminal history. We review this claim only as part of our overall review of the substantive reasonableness of the sentence, *see United States v. Ellis*, 641 F.3d 411, 421-22 (9th Cir. 2011), which McGee also challenges. The below-Guidelines sentence is not an abuse of discretion in light of the 18 U.S.C. § 3553(a) sentencing factors and the totality of the circumstances, including McGee's significant criminal history and the need to promote respect for the law. *See Gall v. United States*, 552 U.S. 38, 51 (2007); *see also United States v. Gutierrez-Sanchez*, 587 F.3d 904, 908 (9th Cir. 2009) ("The weight to be given the various factors in a particular case is for the discretion of the district court."). Further, contrary to McGee's contention, the record reflects that the district court considered her mitigating arguments and the section 3553(a) factors and thoroughly explained its reasons for the sentence. *See United States v. Carty*, 520 F.3d 984, 992 (9th Cir. 2008) (en banc).

AFFIRMED.