

No.

IN THE SUPREME COURT OF THE UNITED STATES

SEAN ERIN KARJALA,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

**ON PETITION FOR WRIT OF CERTIORARI TO THE
UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT**

PETITION FOR WRIT OF CERTIORARI

FAY ARFA, A LAW CORPORATION
Fay Arfa, Attorney - CA SBN 100143
1901 Avenue of the Stars #200
Los Angeles, CA 90067
Tel.: (310) 841-6805
Fax : (310) 841-0817
fayarfa@sbcglobal.net

Attorney for Appellant
SEAN ERIN KARJALA

QUESTIONS PRESENTED

- I. Did the District Court Commit Procedural Error by Failing to Give Adequate Reasons for Imposing the 360 Month Statutory Maximum Sentence?**
- II. Did the District Court Impose a Substantively Unreasonable 360 Month Sentence?**
- III. Did the District Court Unreasonably Impose a Disparate Sentence?**

PARTIES TO THE PROCEEDING

Petitioner is Sean Erin Karjala, an individual who was the defendant-appellant in this case. Respondent is United States of America, who was the plaintiff-appellee in this case. None of the parties listed above are a corporation. Accordingly, no party has a stock ticker symbol to report under Rule 14.1(b)(i).

CORPORATE DISCLOSURE STATEMENT

Since petitioner Karjala is an individual, no corporate disclosure statement is required under this Court's Rule 29.6.

RELATED PROCEEDINGS

United States Court of Appeals (9th):

United States of America v. Sean Erin Karjala, Case No. 24-5803 (June 25, 2026)

United States District Court, Eastern District:

United States of America v. Sean Erin Karjala, Case No. 2:13-cr-00164-JAM-1 (April 7, 2025)

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No.

SEAN ERIN KARJALA,
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UNITED STATES OF AMERICA,
Respondent.

**ON PETITION FOR WRIT OF CERTIORARI TO THE
UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT**

Petitioner, SEAN ERIN KARJALA, petitions for a Writ of Certiorari to review the United States Court of Appeals for the Ninth Circuit’s Memorandum affirming his conviction. (Appendix A)

OPINION BELOW

On June 25, 2026, the Ninth Circuit Court of Appeals entered a Memorandum affirming Karjala’s conviction and sentence. (Appendix A)

JURISDICTION

The Court has jurisdiction. 28 U.S.C. § 1254(1)

On June 25, 2026, the Ninth Circuit Court of Appeals entered a Memorandum affirming the district court's judgment. (Appendix A)

CONSTITUTIONAL PROVISIONS AND REGULATIONS INVOLVED

18 U.S.C. § 3353(a).

CUSTODY STATUS OF PETITIONER

Karjala is serving a 30 year sentence at the Sheridan FCI.

STATEMENT OF THE CASE

A. The Indictment

The government charged Karjala with one count of production of CP. 18 U.S.C. § 2251(a) (ER-73)

B. Karjala's Guilty Plea and Sentence

On June 27, 2023, Karjala pleaded guilty to the charged offense. He did not enter into a plea agreement. (ER-54-64)

On September 10, 2024, the district court sentenced Karjala to the maximum sentence of 360 months in prison and a lifetime of supervised release. The district court ordered the federal sentence to run concurrent with Karjala's 36 years to life state prison sentence. (ER-4, 24) (Trinity Cty. Sup. Ct. No. 13F099)

C. Appellate Proceedings

Karjala timely appealed. (Doc. 160) On June 25, 2026 the Ninth Circuit Court of Appeals affirmed the district court's decision. (Appendix A)

FACTS ELICITED FROM KARJALA'S PSR

The Charged Offense (Count 1)

While arresting Karjala for state charges, detectives found a February 8, 2013 image of [15 year old] Minor Victim 1 (MV1) and an unidentified female on his cellular phone. Detectives found eight images of MV1 and the unidentified female, nude and having sex on February 9, 2013. Detectives identified 124 images of MV1, nude,

showing her genitals, and engaging in sexual activity with the unidentified female at Karjala's house and nude images of another unidentified female with a high school duffle bag. (PSR 5 at ¶15)

The Offense Conduct

The Sting Operation - December 11, 2012

Forty-year-old Karjala responded to a Craigslist Ad by a state undercover officer (UC) posing as a 15-year-old girl looking for an older man to teach her about sex. Between December 11, 2012 and April 3, 2013, Karjala and UC exchanged over 200 messages. Karjala also sent UC pictures of himself and told UC about his interest in teaching UC about sexual bondage. (PSR 3 at ¶¶ 5, 6)

Karjala mentioned his relationship with a 15-year-old "special friend" (later identified as MV1), that they had a threesome with another female, and were looking for someone new to join them. Karjala said he and his "special friend" engaged in sexual bondage acts. (PSR at ¶ 7)

April 4, 2013 - Karjala's Home Searched

On April 4, 2013, state officers executed a search warrant at Karjala's home and work. While searching Karjala's house and car, officers found sex and bondage items, guns, a camera, girls' clothing, and a high school counseling slip with MV1's name. The officers identified MV1 and contacted her mother and stepfather. Karjala arrived and fled from the officers. The officers arrested Karjala on state charges. (PSR 4 at ¶¶ 8-12)

April 5, 2013

On April 5, 2013, Karjala, was released on bond. (PSR 5 at ¶ 16)

April 27, 2013 - Karjala Attempted Suicide by Cop

On April 27, 2013, when CHP officers stopped Karjala for a traffic violation, he tried to commit "suicide by cop" by running toward a CHP officer armed with a hatchet. A CHP officer shot Karjala four times. (PSR 5 at ¶ 17)

May 17, 2013 - Karjala Charged with State and Federal Offenses

On May 17, 2013, Trinity County prosecutors charged Karjala with attempted murder against a public official. (Trinity Sup. Ct. No. 13F0099) On May 17, 2013, the FBI booked Karjala on federal charges. (PSR 5 at ¶¶ 17-18)

REASONS TO GRANT CERTIORARI

I. CERTIORI SHOULD BE GRANTED TO DETERMINE IF A DISTRICT COURT GIVES ADEQUATE REASONS FOR IMPOSING A STATUTORY MAXIMUM SENTENCE

A. Introduction

When sentencing Karjala, the district court briefly mentioned the Guidelines and the 18 U.S.C. § 3553(a) factors. The district court focused on the “seriousness of the offense, the abuse, and the pain and suffering that the victim has suffered . . .” (ER-24) The district court sentenced Karjala to the statutory maximum term of 360 months in prison to run concurrent with Karjala’s 36 years to life state prison sentence. (ER-24-25)

The Ninth Circuit's Memorandum finds:

The district court explained that the seriousness of the offense and the harm to the victim supported a sentence at the high end, rather than the low end, of the Guidelines range. It elected to run the sentence concurrently to Karjala's state sentence, however, to avoid imposing an effective life sentence. This explanation, which reflects the court's consideration of the 18 U.S.C. § 3553(a) sentencing factors and the parties' arguments, is sufficient. *See id.* at 708-09. (Appendix A at 2)

The Ninth Circuit overlooks that a district court must consider the statutory factors, articulate its reasoning in open court, and provide a sufficient record to enable meaningful appellate review. The district court's failure to comply with the 18 U.S.C. § 3553 factors constituted a procedural error.

The Supreme Court has identified as a "significant procedural error" the failure "to adequately explain the chosen sentence." *Gall v. United States*, 552 U.S. 38, 51 (2007); see also *id.* at 50 ("After settling on the appropriate sentence, [the judge] must adequately explain the chosen

sentence to allow for meaningful appellate review and to promote the perception of fair sentencing.") The district court's failure to comply with the 18 U.S.C. § 3553 factors constituted a procedural error.

A district court commits procedural error by failing to consider the 18 U.S.C. § 3553(a) factors or fail to adequately explain the sentence selected. *United States v. Carty*, 520 F.3d 984 (9th Cir. 2008); see also *Rita v. United States*, 551 U.S. 338, 356, 127 S. Ct. 2456, 168 L. Ed. 2d 203 (2007) 356.

"A substantively reasonable sentence is one that is 'sufficient, but not greater than necessary' to accomplish § 3553(a)(2)'s sentencing goals." *United States v. Crowe*, 563 F.3d 969, 977 n.16 (9th Cir. 2009) (quoting 18 U.S.C. § 3553(a)); see also *United States v. Vasquez-Landaver*, 527 F.3d 798, 804-05 (9th Cir. 2008) (affirming sentence as reasonable where the record shows the district court considered the 18 U.S.C. § 3553(a) factors and imposed a sentence that was sufficient but no greater than necessary to

comply with 18 U.S.C. § 3553(a)); *United States v.*

Rodriguez-Rodriguez, 441 F.3d 767, 771 (9th Cir. 2006)

(same).

B. The District Court Committed Procedural Error by Failing to Give Adequate Reasons for Imposing the Statutory Maximum Sentence

The district court committed procedural error by failing to provide adequate reasons for imposing the statutory maximum sentence. The district court mentioned, but failed, to consider the 18 U.S.C. § 3553 factors. The district court summarily stated, “The Court has taken into consideration the guidelines, which are significant in this case, as well as 3553(a) factors. I do not believe there are any 3553(a) factors that would warrant a sentence in this case below a within-guideline sentence.” (ER-24)

The district court failed to consider the 18 U.S.C. § 3553(a) factors including: “¶(1) the nature and circumstances of the offense and the history and characteristics of the defendant; ¶(2) the need for the sentence imposed; ¶(A) to

reflect the seriousness of the offense, to promote respect for the law, and to provide just punishment for the offense; ¶(B) to afford adequate deterrence to criminal conduct; ¶(C) to protect the public from further crimes of the defendant; and ¶(D) to provide the defendant with needed educational or vocational training, medical care, or other correctional treatment in the most effective manner.”

The district court in Karjala’s case imposed the statutory maximum sentence based on only two 18 U.S.C. § 3553(a) factors, namely, the “the seriousness of the offense, . . .” and the “nature and circumstances of the offense.” 18 U.S.C. § 3553(a)(1), (2). The district court focused on the victim’s “abuse” and “pain and suffering” and imposed a 360 maximum sentence to run concurrent with his state prison sentence. (ER-25)

The district court committed procedural error by failing to adequately explain the reasons for imposing the statutory maximum sentence. See, *United States v. Corsey*, 723 F.3d

366 (2nd Cir. 2013) (The court vacated a statutory maximum sentence because the district court failed to sufficiently address the 18 U.S.C. § 3553(a) factors and relied almost exclusively on deterrence); *United States v. Pugh*, 945 F.3d 9 (11th Cir. 2008) (The court vacated a statutory maximum sentence because the district court failed to adequately explain its reasoning under 18 U.S.C. § 3553)

The district court failed to adequately consider Karjala's minimal prior criminal history. He had no history of violence or other crimes against children and no history of viewing, possessing, or distributing CP. The district court failed to consider Karjala's mitigating circumstances, including his rehabilitation, his remorse, his compromised physical condition, and his 36-year-to-life state prison sentence.

A 15-year mandatory minimum sentence would have reflected the seriousness of the offense, would have promoted respect for the law, provided just punishment for the offense,

afforded adequate deterrence to criminal conduct, protected the public from any more of Karjala's crimes, and provided Karjala with requisite educational or vocational training, medical care, or other correctional treatment. 18 U.S.C. § 3553(a).

Based on the 18 U.S.C. § 3553 factors, the district court should have imposed the 15-year statutory sentence. See *Gall*, 552 U.S. at 52 (Sentencing judge had the obligation "to consider every convicted person as an individual" (quotation omitted)); *id.* at 55

C. Certiorari Should Be Granted to Decide When a District Court Fails to Give Reasons For Imposing the Maximum Sentence

The district court failed to adequately explain why the 15-year minimum sentence would not promote the perception of fair sentencing or why the 15-year sentence did not qualify as a fair sentence under the 18 U.S.C. § 3553(a) factors. Instead, the district court, relying on factors that inherently justified a 15-year sentence, imposed the

maximum 360-month sentence. (ER-24-55)

Relief should be granted because the district court committed a procedural error by failing to give adequate reasons for imposing the 360-month statutory maximum sentence. *Carty*, 520 F.3d at 993 (“[A] procedurally erroneous or substantively unreasonable sentence will be set aside.”)

II. THE DISTRICT COURT IMPOSED A SUBSTANTIVELY UNREASONABLE 360 MONTH SENTENCE

A. Introduction

The district court imposed a 360-month statutory maximum sentence. 18 U.S.C. § 3553(a) Although the district court imposed Karjala’s guideline range sentence, the district court’s brief, cursory explanation focused on the victim’s “abuse, pain and suffering.” (ER-24) A 180-month sentence would have sufficiently reflected the victim’s suffering, Karjala’s minimal criminal history, the seriousness of his crime, his acceptance of responsibility, his remorse, his current 36 years to life in state prison sentence,

and his physical disabilities.

The district court failed to adequately consider the 18 U.S.C. § 3553(a) factors, including Karjala's minimal criminal history and Karjala's self-motivated rehabilitation. The district court did not consider Karjala's sincere remorse and his severely compromised physical condition. (ER-23)

The Ninth Circuit found that the district court did not abuse its discretion, that no unwarranted disparity resulted, and the district court imposed a reasonable sentence.

(Appendix A at 2) But the Ninth Circuit overlooked that, at sentencing, Karjala had served eleven and a half years of his 36 years to life state prison sentence for attempted murder. The district court unreasonably found a 360-month sentence necessary to deter Karjala from engaging in future criminal conduct or to protect the public from his future criminal acts. See 18 U.S.C. §§ 3553(a)(2)(B), (C). *Gall*, 552 U.S. at 59.

The district court imposed a substantive unreasonable sentence because the "district court select[ed] a sentence

arbitrarily, base[d] the sentence on impermissible factors, fail[ed] to consider relevant sentencing factors, or [gave] an unreasonable amount of weight to any pertinent factor."

United States v. Cooper, 739 F.3d 873, 883 (6th Cir. 2014).

B. The District Court Failed to Consider Karjala's Sincere Remorse

On August 17, 2023, during a video teleconference with his probation officer and attorney present, Karjala took full responsibility for his criminal conduct. (PSR 6 at ¶ 22) He intended to, but could not, commit suicide. During an altercation, the police shot and almost killed him. (PSR 6 at ¶ 23)

Since then, Karjala had a "spiritual transformation." He reads the bible daily, shares his experience with other inmates, helps others through difficult situations and has "come to Christ." He considers himself "extremely wealthy spiritually . . . and found peace through God." (PSR 6 ¶ 23)

C. The District Court Overlooked Karjala's Physical Disabilities

The district court failed to consider the severe injuries Karjala suffered when an officer shot Karjala four times. (PSR 12 at ¶59). Karjala underwent multiple surgeries. He had surgery and a bone graft on his arm and doctors removed part of his left lung. Karjala suffers from arthritis in his shoulders and his right hip, and painful bone spurs. (PSR 12 at ¶59)

The doctors implanted metal plates and screws in his right arm. His left hand suffered irreparable injury. Surgeons removed bullet fragments from his abdomen, he suffered a hernia after surgery and must wear a hernia belt. (PSR 12 at ¶59)

Karjala still requires more surgical repair, he suffers abdominal discomfort, his exercise has limitations, and he requires a lower bed while incarcerated. (PSR 12 at ¶59)

D. The District Court's Unreasonable Sentence Should Be Reversed

The district court imposed the 360-month statutory maximum sentence, a greater sentence than necessary to meet the applicable 18 U.S.C. § 3553(a) factors. The district court's brief, cursory sentencing explanation focused on the victim's abuse, pain, and suffering, but overlooked Karjala's minimal criminal history, his acceptance of responsibility, his remorse, his 36 years to life in state prison sentence, and his permanent physical disabilities. (ER-24)

The district court unreasonably found a 360-month sentence necessary to deter Karjala from engaging in future criminal conduct or to protect the public from his future criminal acts. See 18 U.S.C. §§ 3553(a)(2)(B), (C). *Gall*, 552 U.S. at 59.

III. THE DISTRICT COURT UNREASONABLY IMPOSED A DISPARATE SENTENCE

A. Introduction

Defense counsel urged the district court to impose the

15-year statutory minimum sentence. Defense counsel prepared a 12-page comprehensive chart detailing the factual bases and sentences imposed in about sixty-seven Eastern District criminal cases. (ER 36-44) The district court found the chart of “no help” and the chart contained no detail. (ER-22)

Karjala’s chart relied on publicly available facts. Karjala’s chart detailed several cases where the district court did not sentence defendants to the 30-year maximum sentence even though the defendants photographed and sexually abused children much younger than 15 years old. (ER 36-40)

B. Defense Counsel’s Chart Proved that the District Court Imposed a Disparate Sentence

Karjala’s chart contained examples of sentences imposed by district courts. For example, a district court sentenced Eric Crosby (No. 10-cr-00204) to 180 months in prison for a violation of 18 U.S.C. 2251(d), where Crosby

provided sexually explicit photos and had sex with the victim. (ER-36)

The district court sentenced Tyler Shayne Nelson (Case No. 19-cr-00185) to 180 months in prison. Nelson persuaded a 12-year-old to photograph her vagina and send them to him. He created hundreds of pictures and dozens of videos of the victim and others. (ER-36)

Karjala's defense chart provided enough available information to allow the court to avoid unwarranted sentence disparities. 18 U.S.C. § 3553(a)(6).

C. The District Court Erroneously Imposed the Substantively Disparate Maximum 360 Month Sentence

Even if the district court did not consider Karjala's chart, Ninth Circuit cases show that defendants sentenced to the statutory maximum 360-month sentence were far more culpable than Karjala. See, e.g., *United States v. Borrommeo*, 657 F.3d 754, 755 (8th Cir. 2011) (Scout troop leader sexually abused multiple children, including his minor

daughter, for years); *United States v. Lemke*, 377 Fed. Appx. 570 (8th Cir. 2010). (Lemke had eight series of images depicting sexual conduct between him and eight prepubescent female victims.); *United States v. O'Connor*, 601 Fed. Appx. 149 (3rd Cir. 2015) (Defendant who “had a lengthy pattern of sexual abuse,” “abhorrent behavior,” and “high risk of recidivism” sentenced to 20 years for violating § 2251(a) count.); *United States v. Sharpley*, 399 F.3d 123, 125 (2nd Cir. 2005) (Sharpley, a convicted sex offender, received a 30-year sentence. He photographed himself having sex with an eleven to 15-year-old boy. He tried to video himself and a woman’s 13-year-old daughter and her daughter’s friends having sex. He had 400 images of CP); *United States v. Berlanga-Rodriguez*, 574 Fed. Appx. 660 (6th Cir. 2014) (Defendant sentenced to 30-year statutory maximum for sexually exploiting and photographing his minor niece who lived with him for fourteen years.)

**D. This Court Should Grant Certiorari to
Decide if a Substantively Unreasonable and
Disparate Maximum 360 Month Sentence
Requires Reversal**

The district court procedurally erred by failing to comply with the 18 U.S.C. § 3553 factors and imposed a substantially unreasonable sentence under the facts of the case. The mandatory minimum 15-year sentence would have sufficiently addressed deterrence and public protection. Although the district court allowed Karjala to argue mitigating factors such as victim consent, lack of force, and post-offense rehabilitation, the district court summarily rejected them. (ER-25-42)

CONCLUSION

Mr. Karjala respectfully requests that this Court grant
Certiorari.

DATED: August 27, 2026

Respectfully submitted,
FAY ARFA, A LAW CORPORATION

/s/ Fay Arfa 

Fay Arfa, Attorney for Appellant

APPENDIX

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

JUN 25 2026

FOR THE NINTH CIRCUIT

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

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

SEAN ERIN KARJALA,

Defendant - Appellant.

No. 24-5803

D.C. No.

2:13-cr-00164-JAM-1

MEMORANDUM*

Appeal from the United States District Court
for the Eastern District of California
John A. Mendez, District Judge, Presiding

Submitted June 22, 2026**

Before: CANBY, BENNETT, and BADE, Circuit Judges.

Sean Erin Karjala appeals from the district court's judgment and challenges the 360-month sentence imposed following his guilty-plea conviction for producing child pornography in violation of 18 U.S.C. § 2251(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).

Karjala first contends the district court failed to explain the within-Guidelines sentence adequately. Contrary to Karjala's assertion, we review this claim for plain error. *See United States v. Bradford*, 148 F.4th 699, 708 (9th Cir. 2025). Under any standard of review, however, Karjala's claim is unavailing. The district court explained that the seriousness of the offense and the harm to the victim supported a sentence at the high end, rather than the low end, of the Guidelines range. It elected to run the sentence concurrently to Karjala's state sentence, however, to avoid imposing an effective life sentence. This explanation, which reflects the court's consideration of the 18 U.S.C. § 3553(a) sentencing factors and the parties' arguments, is sufficient. *See id.* at 708-09.

Karjala next contends that the sentence is substantively unreasonable given his mitigating circumstances and the alleged disparity between his sentence and the sentences of other similarly culpable offenders. Karjala has not shown any abuse of discretion by the district court, however. *See Gall v. United States*, 552 U.S. 38, 51 (2007). As the district court stated, Karjala did not show that any sentencing disparity was unwarranted, and the within-Guidelines sentence is substantively reasonable in light of the § 3553(a) sentencing factors and the totality of the circumstances. *See Gall*, 552 U.S. at 51.

AFFIRMED.