

OCT 4 2011

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

CHRISTOPHER TODD MAYER,

Defendant - Appellant.

No. 10-30329

D.C. No. 3:10-cr-00050-HRH

MEMORANDUM*

Appeal from the United States District Court
for the District of Alaska
H. Russel Holland, District Judge, Presiding

Submitted September 27, 2011**

Before: HAWKINS, SILVERMAN, and W. FLETCHER, Circuit Judges.

Christopher Todd Mayer appeals from certain supervised release conditions 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 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).

Mayer contends that because there was no evidence in the record indicating that he was a drug or alcohol abuser, the district court plainly erred by imposing drug- and alcohol-related supervised release conditions. The district court properly imposed the mandatory drug-related supervised release conditions because the evidence before it did not support a finding that Mayer was a low risk of future substance abuse. *See United States v. Carter*, 159 F.3d 397, 399-400 (9th Cir. 1998). Additionally, the district court did not abuse its discretion by imposing the discretionary drug- and alcohol-related conditions because such conditions, including the condition that Mayer refrain from excessive use of alcohol, were reasonably related to the purposes of sentencing and involved no greater deprivation of liberty than reasonably necessary. *See* 18 U.S.C. § 3583(d); *Carter*, 159 F.3d at 400-01.

AFFIRMED.