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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

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| <p>UNITED STATES OF AMERICA,</p> <p>Plaintiff - Appellee,</p> <p>v.</p> <p>ROBERT EARL McALLISTER,</p> <p>Defendant - Appellant.</p> |
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No. 10-50366

D.C. No. 2:92-cr-00528-ABC

MEMORANDUM\*

Appeal from the United States District Court  
for the Central District of California  
Audrey B. Collins, Chief Judge, Presiding

Submitted February 21, 2012\*\*

Before: FERNANDEZ, McKEOWN, and BYBEE, Circuit Judges.

Robert Earl McAllister appeals from the 36-month sentence imposed upon revocation of supervised release. We have jurisdiction under 28 U.S.C. § 1291, and we affirm.

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\* 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. Appellant. P. 34(a)(2).

McAllister contends that the district court erred by failing: (1) to consider probative information from two mental health evaluations, and (2) to provide a reasoned basis for rejecting the conclusion of the evaluations. The record reflects that the district court fully considered the evaluations and adequately explained its conclusion that any mental impairments did not cause McAllister to commit the bank robbery. The district court did not procedurally err, and McAllister's sentence is substantively reasonable in light of the totality of the circumstances and the relevant 18 U.S.C. § 3553(a) sentencing factors. *See Gall v. United States*, 552 U.S. 38, 51 (2007); *United States v. Simtob*, 485 F.3d 1058, 1063 (9th Cir. 2007) (explaining the standard for sentencing upon revocation of supervised release).

**AFFIRMED.**