

FEB 12 2013

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

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

LOVE THOMAS COOPER,

Defendant - Appellant.

No. 11-30152

D.C. No. 1:10-cr-00047-JDS-1

MEMORANDUM*

Appeal from the United States District Court
for the District of Montana
Jack D. Shanstrom, District Judge, Presiding

Submitted February 6, 2013**
Seattle, Washington

Before: FISHER, GOULD and PAEZ, Circuit Judges.

Appellant Love Thomas Wright Cooper appeals his conviction and sentence for felony possession of firearms in violation of 18 U.S.C. § 922(g)(1). We have jurisdiction under 18 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).

1. The district court adequately apprised Cooper of the dangers and disadvantages of self-representation when it informed him of the numerous tasks that he would have to undertake to prepare for trial, emphasized that he would have to accomplish these tasks while in confinement, informed him that he would be held to the same standard as any attorney, told Cooper that no exceptions would be made for him and said that it would be “a difficult road” ahead of him if he chose to represent himself. *See Faretta v. California*, 422 U.S. 806, 835 (1975). Cooper’s decision to nevertheless proceed without counsel was thus knowing and voluntary. *See United States v. Farhad*, 190 F.3d 1097, 1098-1100 (9th Cir. 1999).

2. The district court did not abuse its discretion by imposing an above-Guidelines, 80-month sentence of imprisonment. *See Gall v. United States*, 552 U.S. 38, 51 (2007). The sentence imposed was justified by Cooper’s manifest lack of respect for the law and the danger to the community demonstrated by his past criminal conduct and statements made while incarcerated. *See* 18 U.S.C. § 3553(a). The district court also “adequately explain[ed]” the sentence. *Gall*, 552 U.S. at 50.

AFFIRMED.