

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

JAN 29 2021

FOR THE NINTH CIRCUIT

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

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

v.

SCOTT FALK,

Defendant-Appellant.

No. 20-30101

D.C. No.

3:19-cr-00101-TMB-MMS-1

MEMORANDUM*

Appeal from the United States District Court
for the District of Alaska

Timothy M. Burgess, District Judge, Presiding

Submitted January 20, 2021**

Before: McKEOWN, CALLAHAN, and BRESS, Circuit Judges.

Scott Falk appeals from the district court's judgment revoking supervised release and challenges the 18-month sentence and 18-month term of supervised release imposed upon revocation. 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).

Falk contends that the sentence is substantively unreasonable because the district court did not give sufficient weight to his amenability to drug treatment and relied too heavily on the probation officer's characterization of his performance on supervised release. The district court did not abuse its discretion. *See Gall v. United States*, 552 U.S. 38, 51 (2007). The sentence is substantively reasonable in light of the 18 U.S.C. § 3583(e) sentencing factors and the totality of the circumstances, including the district court's determination that Falk posed a danger to the public. *See Gall*, 552 U.S. at 51; *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."). Moreover, contrary to Falk's contention, the record reflects that the district court thoroughly explained its reasons for the sentence. *See United States v. Carty*, 520 F.3d 984, 992-93 (9th Cir. 2008) (en banc).

AFFIRMED.