

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

MAY 1 2024

FOR THE NINTH CIRCUIT

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

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

ALEX SCOTT ROBERTS,

Defendant - Appellant.

Nos. 23-345
23-347

D.C. Nos. 2:22-cr-00377-AB-1
2:20-cr-00554-AB-1

MEMORANDUM*

Appeal from the United States District Court
for the Central District of California
André Birotte Jr., District Judge, Presiding

Submitted April 22, 2024 **

Before: CALLAHAN, LEE, and FORREST, Circuit Judges.

Alex Scott Roberts appeals from the district court's judgment and challenges the 85-month sentence imposed following his guilty-plea conviction for stalking, in violation of 18 U.S.C. §§ 2261A(A)-(B) and 2261(b)(5), and cyberstalking, in violation of 18 U.S.C. § 2261A(2)(B). We have jurisdiction under 28 U.S.C.

* 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).

§ 1291, and we affirm.

Roberts contends that his sentence is substantively unreasonable because it affords too much weight to the nature and circumstances of his offense and too little weight to his mental health conditions and need for treatment on supervised release. The district court did not abuse its discretion. *See Gall v. United States*, 552 U.S. 38, 51 (2007). The above-Guidelines sentence is substantively reasonable in light of the 18 U.S.C. § 3553(a) sentencing factors and the totality of the circumstances, including the egregious manner in which Roberts threatened and harassed the victims, his criminal history involving similar conduct, and the need to protect the public. *See Gall*, 552 U.S. at 51; *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.”).

AFFIRMED.