

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

DEC 24 2024

FOR THE NINTH CIRCUIT

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

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

ANWAR LEE WHEELER,

Defendant - Appellant.

No. 24-3955

D.C. No.

3:19-cr-00043-TMB-MMS-1

MEMORANDUM\*

Appeal from the United States District Court  
for the District of Alaska  
Timothy M. Burgess, Circuit Judge, Presiding

Submitted December 17, 2024\*\*

Before: WALLACE, GRABER, and BUMATAY, Circuit Judges.

Anwar Lee Wheeler appeals from the district court's judgment and challenges the sentence of twelve months and one day imposed upon the revocation of his 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 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).

Wheeler contends that the district court failed to consider his request for residential drug treatment and did not adequately explain its decision to instead impose a prison term. We review for plain error, *see United States v. Valencia-Barragan*, 608 F.3d 1103, 1108 (9th Cir. 2010), and conclude there is none. The record reflects that the district court expressly considered Wheeler's arguments for drug treatment but concluded that a prison term was warranted in light of the nature of Wheeler's violations, his criminal history, and the need to protect the public. The court's explanation was sufficient. *See United States v. Carty*, 520 F.3d 984, 992 (9th Cir. 2008) (en banc). Wheeler's assertion that the court's findings were ambiguous or contradictory is not supported by the record.

Wheeler also contends that the sentence is substantively unreasonable because he needs treatment rather than another term of incarceration. In light of the 18 U.S.C. § 3583(e) sentencing factors and the totality of the circumstances, however, the district court did not abuse its discretion. *See Gall v. United States*, 552 U.S. 38, 51 (2007). Moreover, the court relied only on proper sentencing factors. *See* 18 U.S.C. § 3583(e); *United States v. Simtob*, 485 F.3d 1058, 1062 (9th Cir. 2007).

**AFFIRMED.**