

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 11-4109**

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UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

ROBERT TAM,

Defendant - Appellant.

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Appeal from the United States District Court for the District of South Carolina, at Charleston. Solomon Blatt, Jr., Senior District Judge. (2:09-cr-01343-SB-1)

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Submitted: July 19, 2011

Decided: August 5, 2011

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Before GREGORY, DUNCAN, and DIAZ, Circuit Judges.

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Affirmed by unpublished per curiam opinion.

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Cameron J. Blazer, Assistant Federal Public Defender, Charleston, South Carolina, for Appellant. William Nettles, United States Attorney, M. Rhett DeHart, Assistant United States Attorney, Charleston, South Carolina, for Appellee.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Robert Tam pleaded guilty to embezzlement, in violation of 18 U.S.C.A. § 657 (West Supp. 2011). The U.S. Sentencing Guidelines Manual (2009) called for a sentencing range of thirty-three to forty-one months, and Tam received a thirty-month sentence. Tam now appeals, claiming that the district court imposed a procedurally unreasonable sentence because it failed to provide an adequate explanation for the sentence imposed. We affirm.

We review a sentence for reasonableness under an abuse of discretion standard. Gall v. United States, 552 U.S. 38, 51 (2007). A sentence is procedurally reasonable where the district court properly calculated the defendant's advisory Guidelines range, considered the 18 U.S.C. § 3553(a) (2006) sentencing factors, analyzed any arguments presented by the parties, and sufficiently explained the selected sentence. Id. at 49-50. The district court is not required to "robotically tick through § 3553(a)'s every subsection." United States v. Johnson, 445 F.3d 339, 345 (4th Cir. 2006). However, the district court "must place on the record an 'individualized assessment' based on the particular facts of the case before it. This individualized assessment need not be elaborate or lengthy, but it must provide a rationale tailored to the particular case at hand and adequate to permit 'meaningful appellate review.'" "

United States v. Carter, 564 F.3d 325, 330 (4th Cir. 2009) (quoting Gall, 552 U.S. at 50) (internal footnote omitted).

Upon review, we conclude that the district court provided an adequate individualized assessment, taking into account counsel's arguments for a below-Guidelines sentence, and did not abuse its discretion in imposing Tam's thirty-month sentence. See United States v. Lynn, 592 F.3d 572, 576, 578 (4th Cir. 2010) (providing standard of review for properly preserved procedural sentencing error); see also Gall, 552 U.S. at 46.

We accordingly affirm the district court's judgment. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

AFFIRMED