UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 26-4059

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

RICKY JAY BALL,

Defendant - Appellant.

Appeal from the United States District Court for the Middle District of North Carolina, at Greensboro. William L. Osteen, Jr., District Judge. (1:25-cr-00094-WO-1)

Submitted: August 26, 2026 Decided: August 27, 2026

Before KING, WYNN, and HARRIS, Circuit Judges.

Affirmed by unpublished per curiam opinion.

ON BRIEF: Eugene E. Lester, III, LESTER LAW, Greensboro, North Carolina, for Appellant. Dan Bishop, United States Attorney, Julie C. Niemeier, Assistant United States Attorney, OFFICE OF THE UNITED STATES ATTORNEY, Greensboro, North Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Ricky Jay Ball appeals the sentence imposed following the revocation of his supervised release. After calculating a policy statement range of seven to 13 months' imprisonment, the district court varied upwards and imposed a sentence of 18 months' imprisonment and 12 months' supervised release. On appeal, Ball argues that the district court imposed a plainly procedurally unreasonable sentence by failing to adequately address his arguments for a lower sentence. We affirm.

We "will affirm a revocation sentence if it is within the statutory maximum and is not plainly unreasonable." *United States v. Patterson*, 957 F.3d 426, 436 (4th Cir. 2020). Where, as here, the sentence does not exceed the statutory maximum, "we first examine whether the sentence was unreasonable at all." *United States v. Amin*, 85 F.4th 727, 739 (4th Cir. 2023) (internal quotation marks omitted). "Only if we find the sentence unreasonable must we decide whether it is plainly so." *Id.* (internal quotation marks omitted).

For a revocation sentence to be procedurally reasonable, the district court must "consider the defendant's nonfrivolous arguments for a [lower sentence], impose an individualized sentence based on the characteristics of the defendant and the facts of the case, and explain the sentence chosen." *United States v. Celedon*, 165 F.4th 873, 879-80 (4th Cir. 2026) (internal quotation marks omitted). "When imposing a sentence within the [policy statement range], a sentencing court generally need offer only a brief indication that it ha[s] considered arguments for an alternative sentence." *Id.* at 881 (citing *United States v. Gibbs*, 897 F.3d 199, 204-05 (4th Cir. 2018) (holding that district court's response

of "all right," followed by a pause, sufficiently indicated that court had considered argument for variance)). When, as here, the district court imposes an upward variance sentence, this Court's "precedent requires a more robust explanation." *Id.* At bottom, "where a court entirely fails to mention a party's nonfrivolous arguments in favor of a particular sentence, or where the court fails to provide at least some reason why those arguments are unpersuasive, even the relaxed requirements for revocation sentences are not satisfied." *United States v. Slappy*, 872 F.3d 202, 209 (4th Cir. 2017).

At sentencing, defense counsel requested a sentence below the policy statement range, emphasizing that Ball had mental health issues, the need for the sentence imposed to promote rehabilitation, and Ball's family support. On appeal, Ball asserts that the district court failed to address these points. On the contrary, the court acknowledged that Ball's arguments were not frivolous and that he needed mental health treatment. Moreover, the court thoroughly explained that the totality of the circumstances—particularly the seriousness and persistence of Ball's violation conduct—merited a five-month upward variance. We therefore conclude that the court adequately responded to Ball's sentencing arguments.

Accordingly, we affirm Ball's revocation judgment. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before this court and argument would not aid the decisional process.

AFFIRMED