

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

NOV 27 2018

FOR THE NINTH CIRCUIT

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

UNITED STATES OF AMERICA,

No. 18-30041

Plaintiff-Appellee,

D.C. No. 2:15-cr-00129-WFN

v.

MEMORANDUM*

RESHAWN D'ARBY MAGNIFICENT-EL,
a.k.a. Reshawn D'Arby Phillips, a.k.a. Malik
Mutula El,

Defendant-Appellant.

Appeal from the United States District Court
for the Eastern District of Washington
Wm. Fremming Nielsen, District Judge, Presiding

Submitted November 27, 2018**

Before: CANBY, TASHIMA, and FRIEDLAND, Circuit Judges.

Reshawn D'Arby Magnificent-El appeals from the district court's order modifying his conditions of supervised release. 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).

Magnificent-El challenges the district court's modification of his conditions of supervised release to require up to six urinalysis and sweat patch tests per month. The district court did not abuse its discretion. *See United States v. Bainbridge*, 746 F.3d 943, 946 (9th Cir. 2014). In light of Magnificent-El's positive drug test result, the modified condition is reasonably related to deterrence and involves no greater deprivation of liberty than is reasonably necessary. *See* 18 U.S.C. § 3583(d), (e)(2). Therefore, the district court did not abuse its "broad discretion" in imposing it. *See Bainbridge*, 746 F.3d at 948.

AFFIRMED.