

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

DEC 8 2020

FOR THE NINTH CIRCUIT

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

UNITED STATES OF AMERICA,

No. 20-30016

Plaintiff-Appellee,

D.C. No. 2:14-cr-00021-RMP-19

v.

MEMORANDUM*

COURTNEY D. VAUGHN,

Defendant-Appellant.

Appeal from the United States District Court
for the Eastern District of Washington
Rosanna Malouf Peterson, District Judge, Presiding

Submitted December 2, 2020**

Before: WALLACE, CLIFTON, and BRESS, Circuit Judges.

Courtney D. Vaughn appeals from the district court's judgment and challenges the 24-month sentence imposed following his third revocation of supervised release. We have jurisdiction under 28 U.S.C. § 1291, and we affirm.

Vaughn contends that the above-Guidelines sentence is substantively

* 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).

unreasonable because the district court placed too much emphasis on his poor history on supervised release instead of focusing on his mitigating arguments regarding his efforts to become a better father and his mental health issues. The district court did not abuse its discretion. *See Gall v. United States*, 552 U.S. 38, 51 (2007). The 24-month sentence is substantively reasonable in light of the 18 U.S.C. § 3583(e) sentencing factors and the totality of the circumstances, including Vaughn's repeated breaches of the district court's trust and his refusal to avail himself of opportunities presented by the court. *See Gall*, 552 U.S. at 51; *United States v. Simtob*, 485 F.3d 1058, 1062 (9th Cir. 2007) (primary purpose of revocation sentence is to sanction defendant's breach of the court's trust).

AFFIRMED.