

[DO NOT PUBLISH]

IN THE UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT

No. 19-10136
Non-Argument Calendar

D.C. Docket No. 0:18-cr-60151-WPD-1

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

RUDOLPH ANTHONY NICHOLSON,
a.k.a. "R.K.S."
a.k.a. "J.O.C."
a.k.a. "M.G.",

Defendant-Appellant.

Appeal from the United States District Court
for the Southern District of Florida

(October 3, 2019)

Before MARTIN, NEWSOM and BLACK, Circuit Judges.

PER CURIAM:

Rudolph Anthony Nicholson appeals the substantive reasonableness of the 30-month sentence he received after pleading guilty to using a passport obtained by a false statement and aggravated identity theft. Nicholson asserts his sentence was substantively unreasonable because the district court should have granted him a greater downward variance based on his personal history and characteristics and there is an unwarranted sentencing disparity between himself and a similarly-situated defendant.

Nicholson invited the district court to impose the sentence he is now challenging on appeal, and thus has waived any challenge to its reasonableness. *See United States v. Love*, 449 F.3d 1154, 1157 (11th Cir. 2006) (explaining we do not review invited error and that a defendant invites error at sentencing when he requests a sentence and then challenges that sentence on appeal). At the sentencing hearing, Nicholson requested a sentence of time served for Count 2, which he stated was a 2-month downward variance from the 8-14 month Guidelines range because he had already served 6 months in custody. Nicholson acknowledged the court had no discretion regarding the 24-month consecutive sentence for Count 3. The district court imposed the sentence Nicholson requested by sentencing him to 6 months on Count 2, followed by 24 months consecutive on Count 3. Nicholson did not object after the imposition of the sentence. This court

cannot review Nicholson's challenge to the reasonableness of his sentence because he invited any potential error by the district court in imposing it. *See id.*

AFFIRMED.