

United States Court of Appeals  
For the Eighth Circuit

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No. 18-2132

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United States of America

*Plaintiff - Appellee*

v.

Ryan Payne

*Defendant - Appellant*

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Appeal from United States District Court  
for the Western District of Arkansas - Fayetteville

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Submitted: April 15, 2019

Filed: July 9, 2019

[Unpublished]

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Before SHEPHERD, MELLOY, and GRASZ, Circuit Judges.

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PER CURIAM.

Defendant Ryan Payne is a former IRS agent. In 2018, he pled guilty to misuse of a social security number and aggravated identity theft in violation of 42 U.S.C.

§ 408(a)(7)(B) and 18 U.S.C. § 1028A(a)(1), respectively. The district court<sup>1</sup> sentenced him to 28 months' imprisonment on the misuse charge and 24 months on the aggravated-identity-theft charge. Both terms of imprisonment were within the applicable Guidelines range, and § 1028A(b)(2) required them to run consecutively. On appeal, Payne challenges his sentence on the misuse charge only, claiming it is substantively unreasonable.

Payne's within-range sentence is presumptively reasonable on appeal. United States v. Peithman, 917 F.3d 635, 653 (8th Cir. 2019). Because there is nothing in the record to indicate that the district court "fail[ed] to consider a relevant factor" under 18 U.S.C. § 3553(a), "g[ave] significant weight to an improper or irrelevant factor," or otherwise "commit[ted] a clear error of judgment" when weighing the appropriate factors, we conclude Payne failed to rebut this presumption. United States v. Feemster, 572 F.3d 455, 461 (8th Cir. 2009) (en banc) (citation omitted). Accordingly, we affirm the judgment of the district court.

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<sup>1</sup>The Honorable Timothy L. Brooks, United States District Judge for the Western District of Arkansas.