

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

NOV 22 2023

FOR THE NINTH CIRCUIT

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

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

DASHANE WARREN VIELLE,

Defendant - Appellant.

No. 23-679

D.C. No.

2:17-cr-00060-RMP-1

Eastern District of Washington,
Spokane

MEMORANDUM*

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

Submitted November 14, 2023**

Before: SILVERMAN, WARDLAW, and TALLMAN, Circuit Judges.

Dashane Warren Vielle appeals from the district court's judgment and challenges the 14-month term of imprisonment imposed upon the revocation of his supervised release. We have jurisdiction under 28 U.S.C. § 1291, and we affirm.

Vielle contends that his sentence is substantively unreasonable. In his view,

* 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).

(1) the district court should not have imposed a sentence at the high end of the Guidelines range because his supervised release violations were “technical” and were driven by his drug withdrawal symptoms, (2) the Sentencing Guidelines are too punitive and result in overincarceration, and (3) he had no prior violent federal offenses. We conclude that the district court did not abuse its discretion. *See Gall v. United States*, 552 U.S. 38, 51 (2007). The sentence is substantively reasonable in light of the 18 U.S.C. § 3583(e) sentencing factors and the totality of the circumstances, including Vielle’s state criminal record and history on federal supervision. *See* 18 U.S.C. § 3553(a)(1), (a)(2)(C); *Gall*, 552 U.S. at 51.

AFFIRMED.