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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

JASEN L. DUSHANE,

Defendant - Appellant.

No. 14-10436

D.C. No. 3:09-cr-00016-LRH-
VPC-1

MEMORANDUM*

Appeal from the United States District Court
for the District of Nevada
Larry R. Hicks, District Judge, Presiding

Submitted November 18, 2015**
San Francisco, California

Before: THOMAS, Chief Judge and IKUTA and HURWITZ, Circuit Judges.

Jasen DuShane appeals the sentence imposed by the district court upon revocation 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 9th Cir. R. 36-3.

** The panel unanimously concludes this case is suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

In imposing a one-year sentence for DuShane's two supervised release revocations, the district court did not improperly consider DuShane's conduct underlying the revocations, but rather focused on his breach of the court's trust and his criminal history. *See United States v. Simtob*, 485 F.3d 1058, 1062 (9th Cir. 2007).

The court did not abuse its discretion in making DuShane's sentence consecutive to the sentence imposed by the Eastern District of California. *See* U.S.S.G. § 7B1.3(f) (stating that a term of imprisonment imposed on revocation of supervised release should be served consecutively to any sentence of imprisonment that the defendant is serving). The sentence was neither substantively unreasonable nor the result of impermissible double counting. *United States v. Smith*, 719 F.3d 1120, 1123–25 (9th Cir. 2013); *United States v. Carty*, 520 F.3d 984, 994–95 (9th Cir. 2008) (en banc).

AFFIRMED.