

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

MAR 11 2020

FOR THE NINTH CIRCUIT

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

UNITED STATES OF AMERICA,

No. 19-10247

Plaintiff-Appellee,

D.C. No.

v.

3:00-cr-00170-HDM-VPC-1

RUSSELL DAVID McGREGOR, aka
Rusty,

MEMORANDUM*

Defendant-Appellant.

Appeal from the United States District Court
for the District of Nevada
Howard D. McKibben, District Judge, Presiding

Submitted March 3, 2020**

Before: MURGUIA, CHRISTEN, and BADE, Circuit Judges.

Russell David McGregor appeals from the district court's order denying his motion for early termination of supervised release under 18 U.S.C. § 3583(e)(1).

We have jurisdiction under 28 U.S.C. § 1291, and we affirm.

We review for abuse of discretion the district court's denial of a motion for

* 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).

early termination of supervised release. *See United States v. Emmett*, 749 F.3d 817, 819 (9th Cir. 2014). Contrary to McGregor's contention, the district court applied the correct legal standard when evaluating his motion. *See* 18 U.S.C. § 3583(e)(1); *Emmett*, 749 F.3d at 819. Moreover, the record reflects that the court considered McGregor's arguments in favor of early termination and sufficiently explained its reasons for rejecting those arguments, including the nature of McGregor's offenses and his history on supervision. *See Emmett*, 749 F.3d at 820-22. The court did not abuse its broad discretion in concluding that early termination of supervised release was not in the interest of justice. *See* 18 U.S.C. § 3583(e)(1); *Emmett*, 749 F.3d at 819.

AFFIRMED.