

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

JUL 13 2023

FOR THE NINTH CIRCUIT

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

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

v.

DEMETRIUS ALEXANDER SMITH III,

Defendant-Appellant.

Nos. 22-50052
22-50053

D.C. Nos.
2:02-cr-00097-CAS-1
2:19-cr-00414-CAS-1

MEMORANDUM*

Appeal from the United States District Court
for the Central District of California
Christina A. Snyder, District Judge, Presiding

Submitted June 26, 2023**

Before: CANBY, S.R. THOMAS, and CHRISTEN, Circuit Judges.

In these consolidated appeals, Demetrius Alexander Smith III appeals from the district court's judgment and challenges the 36-month term of supervised release imposed upon the second revocation of his 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 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).

Smith contends that the supervised release term is substantively unreasonable because it will not serve the statutory purpose of facilitating his transition back to the community. The district court did not abuse its discretion. *See Gall v. United States*, 552 U.S. 38, 51 (2007). The record reflects that the district court wanted to provide a “safety net” for Smith given his history of mental illness and violence. The 36-month term of supervised release is substantively reasonable in light of the 18 U.S.C. § 3583 factors and the totality of the circumstances, including the need to rehabilitate Smith and protect the public. *See Gall*, 552 U.S. at 51; *United States v. Hurt*, 345 F.3d 1033, 1036 (9th Cir. 2003) (“A violation of the conditions of supervised release does not obviate the need for further supervision, but rather confirms the judgment that supervision was necessary.”).

AFFIRMED.