

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

FEB 29 2024

FOR THE NINTH CIRCUIT

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

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

ANTHONY CHARLES GRAY,

Defendant - Appellant.

No. 23-1255

D.C. No.

3:17-cr-00054-HDM-CLB-1

MEMORANDUM*

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

Submitted February 21, 2024**

Before: FERNANDEZ, NGUYEN, and OWENS, Circuit Judges.

Anthony Charles Gray 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. Reviewing for abuse of discretion, *see United States v. Emmett*, 749 F.3d 817, 819 (9th Cir. 2014), 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).

Gray contends that the district court failed to explain its decision or address Gray's argument that his good performance on supervision justified early termination of supervised release. The record reflects that the district court considered Gray's argument and sufficiently explained its determination that early termination of supervision was nonetheless unwarranted in light of the nature of Gray's offense and his serious, violent criminal history. *See Emmett*, 749 F.3d at 820-22. The court did not abuse its broad discretion. *See* 18 U.S.C. § 3583(e)(1); *Emmett*, 749 F.3d at 819.

AFFIRMED.