

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

JUL 24 2024

FOR THE NINTH CIRCUIT

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

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

PAUL DOUGLAS WHITE,

Defendant - Appellant.

No. 24-529

D.C. No.

2:13-cr-00337-WBS-1

MEMORANDUM*

Appeal from the United States District Court
for the Eastern District of California
William B. Shubb, District Judge, Presiding

Submitted July 16, 2024**

Before: SCHROEDER, VANDYKE, and KOH, Circuit Judges.

Paul Douglas White appeals from the 12-month sentence imposed upon his second revocation of supervised release. We have jurisdiction under 28 U.S.C.

§ 1291, and we affirm.

White contends that the district court erred by imposing a term of

* 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).

imprisonment instead of placing him in a residential treatment program to address his mental health and substance abuse issues. We review this claim for abuse of discretion. *See Gall v. United States*, 552 U.S. 38, 51 (2007).

The district court considered White's request for treatment, but concluded that it could not, "in good conscience," impose a lesser sentence than it had for his previous revocation. As it explained, after White completed his prior 12-month sentence, he "went right out and started using drugs, and it escalated into something far, far worse." The court also noted White's past unwillingness to avail himself of the resources provided to him on supervision. In light of this history and the seriousness of White's violations, the district court did not abuse its discretion in imposing the above-Guidelines sentence. *See* 18 U.S.C. § 3583(e); *United States v. Simtob*, 485 F.3d 1058, 1062 (9th Cir. 2007) (purpose of a revocation sentence is to sanction the defendant's breach of the court's trust).

AFFIRMED.