

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

SEP 24 2026

FOR THE NINTH CIRCUIT

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

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

MICHAEL JOSEPH NEIL,

Defendant - Appellant.

No. 25-4959

D.C. No.

4:23-cr-00192-BLW-1

MEMORANDUM*

Appeal from the United States District Court
for the District of Idaho

B. Lynn Winmill, District Judge, Presiding

Submitted September 22, 2026**

Before: OWENS, COLLINS, and SUNG, Circuit Judges.

Michael Joseph Neil appeals from the district court's judgment and challenges the 73-month sentence imposed upon his guilty-plea conviction for possession of a firearm by a prohibited person in violation of 18 U.S.C. § 922(g)(1). 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).

Neil contends that his sentence is substantively unreasonable because the district court imposed it on the false premise that incarceration was the only option. Neil argues that the court could have elected to impose a shorter sentence followed by a longer term of supervision with treatment conditions, or even no prison at all. We review the substantive reasonableness of a sentence for abuse of discretion. *See Gall v. United States*, 552 U.S. 38, 51 (2007).

The record does not support Neil’s claim. The district court was aware of the sentencing options, but concluded that a sentence of “limited incarceration,” while potentially fair to Neil, would not sufficiently protect the public or provide adequate deterrence. Given Neil’s history and offense conduct, this decision was not unreasonable or illogical. *See United States v. Robertson*, 895 F.3d 1206, 1213 (9th Cir. 2018) (a district court abuses its discretion only if its decision is illogical, implausible, or not supported by the record). Moreover, the below-Guidelines sentence—which accounted for some of the time Neil served in state custody—is substantively reasonable under the 18 U.S.C. § 3553(a) sentencing factors and the totality of the circumstances. *See Gall*, 552 U.S. at 51; *United States v. Doe*, 842 F.3d 1117, 1122 (9th Cir. 2016).

AFFIRMED.