

NOT FOR PUBLICATION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.

DEVIN LEE PETERSON,

Defendant - Appellant.

No. 26-705

D.C. No.

3:17-cr-00008-RRB-SAO-1

MEMORANDUM*

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

Ralph R. Beistline, District Judge, Presiding

Submitted September 22, 2026**

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

Devin Lee Peterson appeals from the district court's judgment and challenges the 16-month sentence imposed upon the third revocation of his supervised release. We have jurisdiction under 28 U.S.C. § 1291, and we affirm.

Peterson first contends that he did not validly waive his right to an

* 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).

evidentiary hearing under Federal Rule of Criminal Procedure 32.1(b). However, the scheduled hearing was vacated because the parties reached an agreement, and Peterson later filed a disposition memorandum outlining its terms. The district court confirmed that the purpose of the revocation hearing was for disposition of the petition. It further confirmed that Peterson intended to admit two violations as agreed upon, understood his rights and the allegations, was satisfied with counsel's representation, was of sound mind, and had no questions. On this record, Peterson's waiver was knowing, intelligent, and voluntary. *See United States v. Stocks*, 104 F.3d 308, 312 (9th Cir. 1997).

Peterson next contends that the district court relied on impermissible considerations when imposing the sentence. Viewed in the context of the full hearing, the court's comments reflect its deliberation over the appropriate sanction for Peterson's repeated breaches of the court's trust and the danger he poses to the public; they do not reflect an inappropriate intent to promote his rehabilitation, *see Tapia v. United States*, 564 U.S. 319, 332 (2011), or his respect for the law, *see United States v. Mibel*, 444 F.3d 1173, 1182 (9th Cir. 2006).

Finally, the above-Guidelines sentence is substantively reasonable in light of the 18 U.S.C. § 3583(e) factors and the totality of the circumstances. *See Gall v. United States*, 552 U.S. 38, 51 (2007).

AFFIRMED.