

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 11-3259

United States of America,

Appellee,

v.

Frederick Nation,

Appellant.

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Appeal from the United States
District Court for the
District of Nebraska.

[UNPUBLISHED]

Submitted: May 14, 2012

Filed: July 13, 2012

Before MURPHY, BENTON and SHEPHERD, Circuit Judges.

PER CURIAM.

Frederick Allen Nation pled guilty to failing to register as a sex offender, in violation of 18 U.S.C. § 2250. The district court¹ sentenced him to 36 months' imprisonment, followed by seven years of supervised release. After three months on supervised release, he violated the conditions of release. He admitted the violations and requested release to a transitional living facility. The district court ordered him to a transitional facility for sex offenders. He again violated the release conditions. Supervised release was revoked. The Guideline range was 8 to 14 months. He was

¹The Honorable Richard G. Kopf, United States District Judge for the District of Nebraska.

sentenced to 24 months, the maximum, followed by five years' supervised release. He appeals this sentence.

Nation does not assert procedural error. He argues that his sentence is unreasonable, that it was greater than necessary to comply with federal sentencing concerns, and that the district court did not give proper consideration to the 18 U.S.C. § 3553(a) factors and the recommendations in Chapter 7 of the Sentencing Guidelines.

The reasonableness of a sentence is reviewed for an abuse of discretion. *United States v. Price*, 542 F.3d 617, 622 (8th Cir. 2008). A court abuses its discretion if it fails to consider a relevant factor, gives significant weight to an irrelevant or improper factor, or makes a clear error of judgment when weighing the factors. *United States v. Asalati*, 615 F.3d 1001, 1006 (8th Cir. 2010).

That the sentence is outside the Guidelines range does not create a presumption of unreasonableness. *Gall v. United States*, 552 U.S. 38, 51 (2007). The record shows the district court considered the sentencing factors. The court also heard Nation's request for a within-Guidelines sentence, and his argument that he did not "transition well" from the Bureau of Prisons. Imposing sentence, the court found Nation's previous violations showed "a high risk of new felonious conduct," recognizing the need to protect the public. The court is not required to mechanically recite the § 3553(a) factors or give a lengthy explanation of the sentence imposed, especially where the district court had imposed the original sentence. *Asalati*, 615 F.3d at 1007.

The judgment of the district court is affirmed.
