

United States Court of Appeals  
For the Eighth Circuit

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No. 17-3439

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United States of America

*Plaintiff - Appellee*

v.

Michael Davis

*Defendant - Appellant*

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Appeal from United States District Court  
for the Northern District of Iowa - Waterloo

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Submitted: September 25, 2018

Filed: October 16, 2018

[Unpublished]

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Before SMITH, Chief Judge, MELLOY and STRAS, Circuit Judges.

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PER CURIAM.

Michael Davis violated the terms of supervised release by breaking the rules at his halfway house, failing to provide urine samples, and peeling off his drug-detecting sweat patches. He argues that his twelve-month prison sentence is unreasonably long.

In setting Davis's sentence, the district court<sup>1</sup> emphasized that he had lied under oath about tampering with his sweat patches and that it had already revoked his supervised release once. His previous violations had resulted in a ten-month prison sentence, and he committed the first of his new violations just a few months after he was released. Relying on the statutory sentencing factors, *see* 18 U.S.C. § 3583(e)(3), the court concluded that another sentence of ten months, which was at the high end of the range recommended by the Sentencing Guidelines, would have been too short.

We conclude that Davis's sentence is substantively reasonable. *See United States v. Feemster*, 572 F.3d 455, 461–62 (8th Cir. 2009) (en banc) (explaining that we review sentences for an abuse of discretion). The court was not required to discuss the sentencing factors in greater detail, particularly when it was already familiar with the case from presiding over Davis's initial sentencing and previous revocation proceeding. *See, e.g., United States v. Franklin*, 397 F.3d 604, 606–07 (8th Cir. 2005). Nor was it an abuse of discretion to impose a sentence above the Guidelines range in light of the nature of Davis's violations and the fact that a shorter sentence had proved ineffective. *See, e.g., United States v. Ford*, 854 F.3d 1030, 1032 (8th Cir. 2017).

We accordingly affirm. *See* 8th Cir. R. 47A.

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<sup>1</sup>The Honorable Linda R. Reade, United States District Judge for the Northern District of Iowa.