

United States Court of Appeals
For the Eighth Circuit

No. 21-3372

United States of America

Plaintiff - Appellee

v.

Damien Lashaun Nelson

Defendant - Appellant

Appeal from United States District Court
for the District of Minnesota

Submitted: April 18, 2022

Filed: April 27, 2022

[Unpublished]

Before COLLOTON, ERICKSON, and KOBES, Circuit Judges.

PER CURIAM.

Damien Lashaun Nelson appeals after he pleaded guilty to conspiracy and firearm offenses, and the district court¹ imposed an aggregate prison sentence to run

¹The Honorable Ann D. Montgomery, United States District Judge for the District of Minnesota.

partially consecutively to an undischarged state sentence. On appeal, Nelson challenges as substantively unreasonable the district court's decision to impose the sentence partially consecutively to his undischarged state sentence.

After careful review of the record and the parties' arguments on appeal, this court finds no abuse of discretion. See United States v. Nelson, 982 F.3d 1141, 1146 (8th Cir. 2020) (standard of review). The record reflects that the district court considered the 18 U.S.C. § 3553(a) factors, the record, Nelson's mental health issues, and Nelson's request to run his federal sentence concurrently; and exercised its discretion to order that the sentence run partially consecutively. See United States v. Feemster, 572 F.3d 455, 461-62 (8th Cir. 2009) (en banc) (abuse of discretion occurs when court fails to consider relevant factor, gives significant weight to improper or irrelevant factor, or commits clear error of judgment in weighing appropriate factors); United States v. McDonald, 521 F.3d 975, 980 (8th Cir. 2008) (district court has "wide discretion" to order sentence to be served consecutively to undischarged sentence); see also United States v. Long, 870 F.3d 792, 799 (8th Cir. 2017) (district court may rely more heavily on some factors than others) (citation omitted); United States v. Hall, 825 F.3d 373, 376 (8th Cir. 2016) (no abuse of discretion where district court considered § 3553(a) factors and recognized its discretion to run sentences concurrently but declined to do so).

Accordingly, the judgment of the district court is affirmed.
