

United States Court of Appeals
For the Eighth Circuit

No. 22-1098

United States of America

Plaintiff - Appellee

v.

Larry Owens, III

Defendant - Appellant

Appeal from United States District Court
for the District of North Dakota - Western

Submitted: December 12, 2022

Filed: December 27, 2022

[Unpublished]

Before LOKEN, MELLOY, and KOBES, Circuit Judges.

PER CURIAM.

Larry Owens III pled guilty to possession with intent to distribute a mixture or substance containing 40 grams or more of fentanyl. The guideline range was 78 to 97 months. The government recommended a sentence of 115 months. Owens's

attorney recommended 97 months. The district court¹ imposed a 180 month sentence. Owens appeals the substantive reasonableness of his sentence. We affirm.

At the sentencing hearing the district court expressed concern about the heightened risk of death with fentanyl, Owens's violent history, and his apparent disregard for the law. In June 2020, Owens was arrested for possession with intent to deliver opiates and providing false information to law enforcement. Three months later, while out on bond for the June 2020 arrest, Owens was again arrested for possession with intent to deliver 40 grams or more of fentanyl, the current offense.

The substantive reasonableness of a sentence is reviewed under a highly deferential abuse-of-discretion standard. United States v. Feemster, 572 F.3d 455, 461 (8th Cir. 2009) (en banc). All the arguments Owens makes on appeal were squarely before the district court, and the district court stated that it "considered the entire file in this matter, the statements of counsel and the defendant, the Sentencing Guidelines and the sentencing factors under 18 U.S.C. 3553(a)." The district court did not give weight to any improper factor and did not make a clear error when determining this sentence was necessary to fulfill the goals of § 3553(a). Therefore, the district court did not abuse its discretion. Id.

We affirm the judgment of the district court.

¹The Honorable Daniel Mack Traynor, United States District Judge for the District of North Dakota.