

United States Court of Appeals
For the Eighth Circuit

No. 22-3563

United States of America

Plaintiff - Appellee

v.

Christopher Funchess, also known as C-Murder

Defendant - Appellant

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

Submitted: April 11, 2023

Filed: May 15, 2023

[Unpublished]

Before BENTON, GRASZ, and STRAS, Circuit Judges.

PER CURIAM.

After repeatedly violating the conditions of supervised release, Christopher Funchess received a seven-month prison sentence. Although he questions the seriousness of the violations, we affirm.

We conclude that the district court¹ did not abuse its discretion when it sent Funchess back to prison. See *United States v. Melton*, 666 F.3d 513, 516 (8th Cir. 2012) (reviewing for an abuse of discretion). For one thing, he repeatedly used marijuana, an illegal drug under federal law, even though he was required to “refrain from *any* unlawful use of a controlled substance.” (Emphasis added); see 21 U.S.C. § 812(c). He is not entitled to a break just because the illegal drug happened to be marijuana. See *United States v. Schostag*, 895 F.3d 1025, 1027–28 (8th Cir. 2018) (explaining that the “use of marijuana—even for medical purposes—contravenes federal law”). For another, he tried to cover up his drug use by “diluting” his test samples. A “pervasive unwillingness” to follow drug-testing conditions is serious, all the more so for someone like Funchess with a history of drug dealing. *Melton*, 666 F.3d at 516; see *United States v. Graves*, 914 F.2d 159, 160–61 (8th Cir. 1990) (per curiam) (affirming a revocation sentence after a defendant missed drug-testing appointments).

We accordingly affirm the judgment of the district court.

¹The Honorable Linda J. Reade, United States District Judge for the Northern District of Iowa.