

FILED
United States Court of Appeals
Tenth Circuit

UNITED STATES COURT OF APPEALS

FOR THE TENTH CIRCUIT

October 1, 2026

Christopher M. Wolpert
Clerk of Court

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

MALYK JAJUAN RANSBURG,

Defendant - Appellant.

No. 25-6154
(D.C. No. 5:20-CR-00059-PRW-1)
(W.D. Okla.)

ORDER AND JUDGMENT*

Before **HARTZ**, **MATHESON**, and **FEDERICO**, Circuit Judges.**

Malyk Jajuan Ransburg challenges his 24-month prison sentence for violations of supervised release, which was imposed consecutively to his 324-month sentence for related federal convictions. Exercising jurisdiction under 28 U.S.C. § 1291 and 18 U.S.C. § 3742(a), we affirm.

* This order and judgment is not binding precedent, except under the doctrines of law of the case, res judicata, and collateral estoppel. It may be cited, however, for its persuasive value consistent with Fed. R. App. P. 32.1 and 10th Cir. R. 32.1.

** After examining the briefs and appellate record, this panel has determined unanimously that oral argument would not materially assist in the determination of this appeal. See Fed. R. App. P. 34(a)(2); 10th Cir. R. 34.1(G). The case is therefore ordered submitted without oral argument.

I. BACKGROUND

Shortly after his release from a 37-month sentence for theft from a federal firearms licensee, Mr. Ransburg shot two people during an argument. He was charged in state court with assault and battery with a deadly weapon (two counts), drug trafficking, and being a felon in possession of a firearm. He was charged in federal court with being a felon in possession of a firearm, 18 U.S.C. § 922(g)(1), and for possession of methamphetamine with intent to distribute, 21 U.S.C. § 841(a)(1).

The U.S. Probation Office petitioned to revoke Mr. Ransburg's supervised release for violating eight conditions. The shooting incident implicated Condition 6—"You must not commit another federal, state or local crime"—and Condition 7—"You must not own, possess, or access a firearm, ammunition, destructive device, or dangerous weapon." ROA, Vol. 1 at 33-34.

At the revocation hearing, Mr. Ransburg stipulated to violating Conditions 1-5 and 8 in full, and to violating 6 and 7 as they related to the federal charges but not to the state charges.¹ Earlier that day, he pled guilty to the federal charges. The district court consolidated the sentencing proceedings for the convictions and the supervised release violations.

Leading up to the sentencing hearing, the presentence report recommended enhancements based on (1) a Sentencing Guidelines cross-reference to assault with

¹ He did not admit to the assault and battery allegations made in the state case, but said there was "sufficient factual basis to find a violation" of Conditions 6 and 7 "regarding the federal charges." Suppl. ROA at 7, 12-13.

intent to commit murder and (2) for possessing a firearm in furtherance of another felony offense.² Mr. Ransburg objected.

At the sentencing hearing, the district court, over Mr. Ransburg's Confrontation Clause objection, admitted (1) Lieutenant Fleener's bodycam footage containing statements from the shooting victims at the scene and (2) Detective Christopher Harding's testimony about the statements of victims and witnesses during later interviews. Mr. Ransburg testified that he acted in self-defense. The court said the Government had met its burden on the enhancements and sentenced Mr. Ransburg to 324 months in prison followed by three years of supervised release.³

When the district court turned to the supervised release violations, Mr. Ransburg renewed his objections to the bodycam and testimonial evidence and his challenge to the alleged violations of Conditions 6 and 7 based on the state charges. The Government responded that "[t]he evidence that was presented during the sentencing portion of the – of today's hearing would be the government's submission in this case as well." ROA, Vol. 3 at 106.

The district court concluded that the Government established "by a preponderance of the evidence" that Mr. Ransburg violated Conditions 6 and 7 in full

² See United States Sentencing Guidelines ("U.S.S.G.") §§ 2A2.1(a), 2K2.1(b)(6)(B), (c)(1)(A), 2X1.1.

³ Enforcing the appeal waiver in his plea agreement, this court dismissed Mr. Ransburg's attempt to challenge the 324-month sentence on his federal convictions. See *United States v. Ransburg*, 2026 WL 684918 (10th Cir. March 11, 2026) (unpublished).

and had “stipulated to the other violations in this case.” *Id.* at 107. The parties agreed that the violations required revocation and that the maximum term was 24 months. *Id.* After considering the applicable 18 U.S.C. § 3553(a) sentencing factors, the court sentenced Mr. Ransburg to 24 months in prison, to run consecutively to the 324-month sentence it imposed for the federal convictions.

II. DISCUSSION

On appeal, Mr. Ransburg challenges the procedural reasonableness of his supervised release revocation sentence, arguing the district court violated Federal Rule of Criminal Procedure 32.1(b)(2)(C) by admitting Lt. Fleener’s bodycam footage and Detective Harding’s testimony. He also challenges the substantive reasonableness of imposing the revocation sentence consecutively to his sentence for his convictions.⁴

A. *Procedural Reasonableness*

We typically review a sentence’s procedural reasonableness for abuse of discretion. *See Gall* 552 U.S. 38 at 51; *United States v. Gantt*, 679 F.3d 1240, 1246 (10th Cir. 2012). But when a defendant fails to preserve a procedural challenge before the district court, we review only for plain error. *See United States v. Romero*,

⁴ We review a revocation sentence to determine whether it was procedurally or substantively unreasonable. *See United States v. McBride*, 633 F.3d 1229, 1231-32 (10th Cir. 2011). We view Mr. Ransburg’s challenge based on Rule 32.1(b)(2)(C) as calling for the former and his challenge to the consecutive sentence for the latter. *See United States v. Ruby*, 706 F.3d 1221, 1225 (10th Cir. 2013); *see also Gall v. United States*, 552 U.S. 28, 51 (2007).

491 F.3d 1173, 1178 (10th Cir. 2007). To demonstrate plain error, an appellant must show “(1) the district court erred; (2) the error was plain; (3) the error affects the defendant’s substantial rights; and (4) the error seriously affects the fairness, integrity, or public reputation of judicial proceedings.” *United States v. Warrington*, 78 F.4th 1158, 1167 (10th Cir. 2023) (citation omitted).

At sentencing, Mr. Ransburg did not object based on Rule 32.1(b)(2)(C). He does not argue plain error on appeal. In its brief to this court, the Government states he failed to “properly preserve this issue,” Aplee. Br. at 11, but then says our “review is for plain error,” *id.* at 13, and proceeds to address plain error at length, *id.* at 15-24. Under these circumstances, we resolve this appeal under plain error review. *See United States v. Faunce*, 66 F.4th 1244, 1253 (10th Cir. 2023); *United States v. Rodebaugh*, 798 F.3d 1281, 1314 (10th Cir. 2015).

At first blush, it seems there was no error because, under our precedent, Rule 32.1(b)(2)(C) applies to the guilt phase of revocation proceedings but not to the sentencing phase. *See United States v. Ruby*, 706 F.3d at 1228. But during the supervised release revocation portion of the sentencing hearing, the district court relied on the Lt. Fleener bodycam/Detective Harding evidence to consider whether Mr. Ransburg violated the portions of Conditions 6 and 7 relating to the state charges. It found that Mr. Ransburg violated those conditions in full. *See* Suppl. ROA at 106-07.

The foregoing suggests a possible error under Rule 32.1(b)(2)(C) during the guilt phase, though it is far from plain. And it is clear that any such error did not

prejudice Mr. Ransburg. He “must show that, but for the error, there is a reasonable probability that the outcome of the proceeding would have been different.” *United States v. Nunez-Carranza*, 83 F.4th 1213, 1224 (10th Cir. 2023). He has not shown that the purported error likely affected the district court’s decision to revoke his supervised release or impose his 24-month revocation sentence.

Mr. Ransburg admitted to violating Conditions 6 and 7 based on the federal charges, and his undisputed methamphetamine possession violated Condition 8—“You must not unlawfully possess a controlled substance,” ROA, Vol. 1 at 34—which carried a minimum recommended sentence of 24 months as a Grade A violation. *See* U.S.S.G §§ 7B1.1(a)(1), 7B1.4(a).

Mr. Ransburg’s procedural reasonableness challenge therefore fails under the third step of plain error review because any such error did not affect his substantial rights. *See United States v. Olano*, 507 U.S. 725, 734 (1993) (“[T]he error must have been prejudicial: It must have affected the outcome of the district court proceedings.”); *see also United States v. Bruley*, 15 F.4th 1279, 1285 (10th Cir. 2021) (upholding a revocation sentence at step three of plain error review); *United States v. Chavez-Morales*, 894 F.3d 1206, 1209 (10th Cir. 2018) (same).

B. Substantive Reasonableness

We review the substantive reasonableness of a sentence for violations of supervised release for abuse of discretion. *United States v. Rausch*, 638 F.3d 1296, 1302 (10th Cir. 2011), *overruled on other grounds by United States v. Bustamante-Conchas*, 850 F.3d 1130 (10th Cir. 2017); *see also Gall*, 552 U.S. at 41; *United*

States v. Lente, 759 F.3d 1149, 1158 (10th Cir. 2014). “This review includes the district court’s decision to impose a consecutive sentence.” *United States v. Rocha-Rodriguez*, 653 F. App’x 648, 650 (10th Cir. 2016) (unpublished) (citing *United States v. Rodriguez-Quintanilla*, 442 F.3d 1254 (10th Cir. 2006)).⁵

A revocation sentence within the range suggested by the Sentencing Commission’s policy statements is presumed to be substantively reasonable. *United States v. McBride*, 633 F.3d at 1233. “In imposing a sentence for a violation of supervised release, a district court is required to consider the policy statements contained in Chapter 7 of the Sentencing Guidelines and a number of factors enumerated in 18 U.S.C. § 3553(a).” *United States v. Ortiz-Lazaro*, 884 F.3d 1259, 1262 (10th Cir. 2018).

In Chapter 7 of the Guidelines, U.S.S.G. § 7B1.3(f) (2024) provides:

Any term of imprisonment imposed upon the revocation of probation or supervised release shall be ordered to be served consecutively to any sentence of imprisonment that the defendant is serving, whether or not the sentence of imprisonment being served resulted from the conduct that is the basis of the revocation of probation or supervised release.⁶

⁵ Unpublished cases are not binding precedent, but we may consider them for their persuasive value. *See* Fed. R. App. 32.1(a); 10th Cir. R. 32.1(A).

⁶ Mr. Ransburg was sentenced under the 2024 Guidelines. The relevant amended Guideline, effective November 1, 2025, reads in part as follows: “Any term of imprisonment imposed upon the revocation of supervised release generally should be ordered to be served consecutively to any sentence of imprisonment that the defendant is serving, whether or not the sentence of imprisonment being served resulted from the conduct that is the basis of the revocation of supervised release.” U.S.S.G. § 7C1.4(b) (2025).

In imposing a consecutive sentence here, the district court considered this Chapter 7 policy statement and the 18 U.S.C. § 3553(a) factors applicable to supervised release revocation sentences. The 24-month sentence was therefore “entitled to a rebuttable presumption of reasonableness,” *United States v. Durham*, 902 F.3d 1180, 1238 (10th Cir. 2018) (citation and quotations omitted), because it was within the properly calculated Guidelines range. *See United States v. Perez-Ramos*, 525 F. App’x 868, 870 (10th Cir. 2013) (unpublished) (“[A] consecutive sentence for a supervised release violation is presumptively reasonable.”).

Mr. Ransburg has not shown that the consecutive sentence was substantively unreasonable. His arguments about age and recidivism do not render the consecutive sentence substantively unreasonable. Our decision in *United States v. Jones*, 660 F. App’x 666 (10th Cir. 2016) (unpublished), is instructive. Mr. Jones, like Mr. Ransburg, asserted that “imposing his revocation imprisonment consecutive to his twenty-six-year Colorado sentence was substantively unreasonable.” *Id.* at 669. He argued “that it serve[d] no deterrent or public safety purpose because of [his] ‘extreme age’ at the time his revocation sentence [would] begin.” *Id.*

We disagreed, stating these arguments “amount[ed] to a generalized statement that individuals of a certain age should be immune from lengthy or consecutive incarceration.” *Id.* We noted that Mr. Jones did not “support this argument with any authority,” “describe precisely how he, as an individual rather than a demographic, [would] be unlikely to recidivate,” or “tie this argument to the nature of his violations or his specific case.” *Id.*

The same reasoning applies to Mr. Ransburg. He cites general statistics about the inverse correlation between age and recidivism and fails to explain why, given his criminal history, he is less likely than others to recidivate as he ages. As in *Jones*, Mr. Ransburg's generalized arguments are insufficient to render his consecutive sentence substantively unreasonable. *See id.*

III. CONCLUSION

We affirm Mr. Ransburg's supervised release revocation sentence as procedurally and substantively reasonable.

Entered for the Court

Scott M. Matheson, Jr.
Circuit Judge