

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

FILED

JAN 27 2025

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

SHERVIN NEMAN, AKA Shervin
Davatgarzadeh,

Defendant - Appellant.

No. 24-3231

D.C. No.
2:13-cr-00289-ODW-1

MEMORANDUM*

Appeal from the United States District Court
for the Central District of California
Otis D. Wright II, District Judge, Presiding

Submitted January 22, 2025**

Before: CLIFTON, CALLAHAN, and BENNETT, Circuit Judges.

Shervin Neman appeals pro se from the district court's order denying his request for early termination of supervised release under 18 U.S.C. § 3583(e)(1).

We have jurisdiction under 28 U.S.C. § 1291. Reviewing for abuse of discretion,

* This disposition is not appropriate for publication and is not precedent except as provided by Ninth Circuit Rule 36-3.

** The panel unanimously concludes this case is suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

Appendix A

see United States v. Emmett, 749 F.3d 817, 819 (9th Cir. 2014), we affirm.

Neman argues that the district court should have terminated supervised release so that he can emigrate to Israel, and asserts that the court's denial of his motion violated due process and the Eighth Amendment. These claims are unavailing. The district court explained that termination was not warranted because "supervision is the one mechanism the court has for enforcing the restitution obligation." Neman fails to show that the court abused its discretion in reaching this conclusion, which is supported by the 18 U.S.C. § 3583(e) factors.¹ Moreover, the district court fully considered Neman's arguments, and his claims that the court was biased or had other improper motives are unsupported by the record. Finally, the Eighth Amendment does not bar a district court from requiring the defendant to serve his full supervised release term. *See Graham v. Florida*, 560 U.S. 48, 59-60 (2010).

AFFIRMED.

¹ We grant the government's motion to supplement the record with the district court's 2023 order modifying Neman's restitution payment schedule and the declaration attesting that Neman is in compliance with that order. The district court's conclusion is unaffected by this evidence because Neman does not assert, nor does the record suggest, that he has fully paid his substantial restitution judgment.

United States District Court
for The Central District of California

UNITED STATES OF AMERICA,

No. CR 13-00289-ODW

Plaintiff,

v.

SHERVIN NEMAN

ORDER DENYING REQUEST FOR EARLY TERMINATION OF SUPERVISED RELEASE

Defendant.

On May 16, 2014, the defendant, Shervin Neman (Neman) was found guilty by jury trial of Counts 1, 2, and 3 of the 3-Count Indictment in which he is solely named. Counts 1 and 2 charged Wire Fraud, Causing an Act to be Done, in violation of 18 U.S.C. §1343 and 18 U.S.C. §2. Count 3 charged Mail Fraud and Causing an Act to Be Done in violation of 18 U.S.C. §1341 and 18 U.S.C. §2.

Neman owned Neman Financial, Inc. and Neman Financial, LP. Beginning in August 2010, Neman solicited funds from seven investors by falsely representing, among other things, that he was a successful hedge fund manager who made tremendous profits for his clients. Neman also represented that the investors' funds would be used in a number of ways, usually to purchase foreclosed real estate or to purchase stocks, including, sometimes, pre-initial public offering stocks. In reality, Neman was spending the victims' investment money on personal expenditures for

Appendix B

Neman and his family, as well as spending the victims' investment money to repay other victims. As of March 2012, these seven victims suffered an actual loss of \$3,025,185.63.

On February 23, 2015 Neman was sentenced to 135 months in prison for wire and mail fraud to be followed by 3 years of supervised release. [DE-220] He was also ordered to make restitution to his victims in the amount of \$3,279,185.63, which was ordered to be paid in full at the time of sentencing. U.S. Probation had determined that he had the financial ability to make full restitution. Indeed, he had made written representation to the court that he had the means and the will to make his victims whole. To date he still has not discharged his restitution obligation. It is noted there is no indication that the Probation Officer was interviewed for his or her input prior to him making this application to the court. There are additional conditions of his supervised release not here relevant. Neman also makes a request that he be permitted to renounce his U.S. citizenship and take up permanent residency in Israel. There is a process for relinquishing or renouncing U.S. citizenship which does not involve the courts.

With respect to the request for early termination of supervision and permission to travel to Israel, they are related. A condition of his supervision is the requirement he obtain the consent of his probation officer for travel outside of the Central District of California. Once his supervision is over he is permitted to travel anyplace he wishes. However, supervision is the one mechanism the court has for enforcing the restitution obligation. Considering he has made no good faith effort to honor this obligation, the Court is not inclined to lift his supervision. The request is therefore DENIED.

IT IS SO ORDERED.

DATED: April 26, 2024

The Honorable Otis D. Wright II
United States District Court Judge

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FOR THE NINTH CIRCUIT

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APR 29 2025

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D.C. No.
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Central District of California,
Los Angeles

ORDER

Before: CLIFTON, CALLAHAN, and BENNETT, Circuit Judges.

The untimely motions (Docket Entry Nos. 23, 24, 25) to supplement are denied.

The full court has been advised of the petition for rehearing en banc and no judge has requested a vote on whether to rehear the matter en banc. *See* Fed. R. App. P. 40. The petition (Docket Entry No. 22) for rehearing en banc is denied.

No further filings will be entertained in this closed case.

Appendix C