

United States Court of Appeals
For the Eighth Circuit

No. 13-1100

United States of America

Plaintiff - Appellee

v.

Charles Leopole Ellis

Defendant - Appellant

Appeal from United States District Court
for the Western District of Missouri - Kansas City

Submitted: July 1, 2013

Filed: July 5, 2013

[Unpublished]

Before WOLLMAN, BOWMAN, and GRUENDER, Circuit Judges.

PER CURIAM.

Charles Ellis directly appeals the district court's¹ modification of the conditions of his supervised release. His counsel has moved to withdraw, and has filed a brief

¹The Honorable Howard F. Sachs, United States District Judge for the Western District of Missouri.

under *Anders v. California*, 386 U.S. 738 (1967), questioning the district court's authority to modify Ellis's conditions of supervised release without a finding that Ellis had committed a violation.

Upon careful review, we conclude that the district court acted within its authority. See 18 U.S.C. § 3583(d) (court may order condition to extent that such condition, inter alia, is reasonably related to history and characteristics of defendant, and involves no greater deprivation of liberty than is reasonably necessary to afford adequate deterrence to criminal conduct, to protect public from further crimes of defendant, and to provide defendant with needed medical care or other correctional treatment in most effective manner); cf. *United States v. Davies*, 380 F.3d 329, 332 (8th Cir. 2004) (district court may modify conditions imposed on supervised-release term even when modification is based only on evidence that was available at original sentencing; statute that authorizes district courts to modify conditions of supervised release does not require new evidence, nor even changed circumstances in defendant's life). Furthermore, having reviewed the record independently under *Penson v. Ohio*, 488 U.S. 75, 80 (1988), we find no non-frivolous issues.

Accordingly, we grant counsel's motion to withdraw, and we affirm.
