

United States Court of Appeals
For the Eighth Circuit

No. 17-2384

United States of America

Plaintiff - Appellee

v.

Yliyah Rephayah Ben Yisrayl, also known as Carl Watkins

Defendant - Appellant

Appeal from United States District Court
for the Eastern District of Missouri - St. Louis

Submitted: October 12, 2017

Filed: October 25, 2017

[Unpublished]

Before LOKEN, MURPHY, and SHEPHERD, Circuit Judges.

PER CURIAM.

Yliyah Rephayah Ben Yisrayl appeals the district court's¹ order revoking his supervised release and imposing a 10-month sentence. His counsel has moved for

¹The Honorable Henry E. Autrey, United States District Judge for the Eastern District of Missouri.

leave to withdraw. Ben Yisrayl has filed 3 pro se briefs challenging his criminal history category, and the administration of his initial sentence; and a motion seeking appointment of new counsel.

After careful review of the record, we conclude that the revocation Guidelines range was properly calculated using the criminal history category applicable at the time of initial sentencing, see U.S.S.G. § 7B1.4(a); United States v. Hendershot, 469 F.3d 703, 705 (8th Cir. 2006); that the administration of Ben Yisrayl's original sentence is not properly on appeal, see United States v. Tindall, 455 F.3d 885, 888 (8th Cir. 2006); and that the district court did not abuse its discretion in sentencing Ben Yisrayl, see United States v. Johnson, 827 F.3d 740, 744 (8th Cir. 2016); see also Rita v. United States, 127 S. Ct. 2456, 2468 (2007) (standard of review); United States v. Gray, 533 F.3d 942, 943-44 (8th Cir. 2008); United States v. Todd, 521 F.3d 891, 897 (8th Cir. 2008).

Accordingly, we grant counsel's motion to withdraw, deny the motion for new counsel, and affirm.
