

**United States Court of Appeals**  
**FOR THE EIGHTH CIRCUIT**

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No. 07-1430

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United States of America,

Appellee,

v.

Eric W. Brown,

Appellant.

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Appeal from the United States  
District Court for the  
District of Minnesota.

[UNPUBLISHED]

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Submitted: November 23, 2007

Filed: December 3, 2007

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Before MURPHY, SMITH, and SHEPHERD, Circuit Judges.

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PER CURIAM.

Eric Brown appeals the 46-month prison sentence imposed by the district court<sup>1</sup> upon revocation of his supervised release. For reversal, Brown argues that his sentence is unreasonable, because the advisory Guidelines revocation range of 46-57 months determined by the district court was calculated based on Brown's commission of a Grade A violation, whereas his underlying conduct--possession of 45 grams of methamphetamine--did not constitute a Grade A violation.

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<sup>1</sup>The Honorable David S. Doty, United States District Judge for the District of Minnesota.

We disagree. Under Minnesota law, Brown's possession of 45 grams of methamphetamine subjected him to imprisonment for up to 30 years, see Minn. Stat. § 152.021, subdivs. 2(1) & 3(a), and the Guidelines provide, in relevant part, that a Grade A violation includes "any other federal, state, or local offense that is punishable by a term of imprisonment exceeding twenty years," see U.S.S.G. § 7B1.1(a)(1)(B).

Accordingly, the judgment is affirmed.

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