

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 09-3272

United States of America,

*

*

Appellee,

*

Appeal from the United States

*

District Court for the Northern

v.

*

District of Iowa.

*

Anthony Nelson Dean,

*

[UNPUBLISHED]

*

Appellant.

*

Submitted: February 16, 2010

Filed: February 23, 2010

Before BYE, RILEY, and SHEPHERD, Circuit Judges.

PER CURIAM.

While Anthony Dean Nelson was serving a period of supervised release, the district court¹ revoked supervision and sentenced Dean to 11 months in prison and 14 months of additional supervised release. For reversal, Dean argues that the revocation sentence is unreasonable. Because he has not rebutted the presumption that his within-Guidelines-range revocation sentence is reasonable, see United States v. Petreikis, 551 F.3d 822, 824 (8th Cir. 2009), we affirm.

¹The Honorable Linda R. Reade, Chief Judge, United States District Court for the Northern District of Iowa.

In particular, we note that the sentence is within statutory limits, see 18 U.S.C. § 3583(b)(2), (e)(3), (h); and that the court considered proper factors under 18 U.S.C. § 3553(a), including the Guidelines range, Dean's poor history on supervised release, his drug and alcohol abuse, the lack of remaining available community programs, and his need for a residential-reentry program and participation in an alcohol-testing program upon release from prison. See United States v. Nelson, 453 F.3d 1004, 1006 (8th Cir. 2006) (appellate court reviews revocation sentence to determine whether it is unreasonable in relation to, inter alia, advisory Guidelines range and applicable § 3553(a) factors).

Accordingly, we affirm the district court's judgment.
