

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 10-3131

United States of America,	*	
	*	
Appellee,	*	
	*	Appeal from the United States
v.	*	District Court of the Eastern
	*	District of Arkansas.
Joe Justin Morris,	*	
	*	[UNPUBLISHED]
Appellant.	*	

Submitted: June 13, 2011
Filed: August 3, 2011

Before MURPHY, ARNOLD, and SMITH, Circuit Judges.

PER CURIAM.

Joe Morris appeals from his sentence of 11 months for violating the terms of the supervised release that followed his conviction for drug offenses. Morris does not contend that the district court¹ erred in calculating his advisory guidelines range, which was 8 to 14 months. He argues, instead, that his sentence is unreasonable.

A sentence within the advisory guidelines range is presumptively reasonable, *United States v. Frausto*, 636 F.3d 992, 997 (8th Cir. 2011), and we see nothing in this

¹The Honorable Susan Webber Wright, United States District Judge for the Eastern District of Arkansas.

record that could overcome that presumption. In addition to the specific violations which the district court, on an ample record, found him guilty of, Morris had a history of positive tests for drugs during his supervision, had his conditions of release modified, and failed to appear at his first revocation hearing. After an extended hearing, at which witnesses appeared and Morris himself testified and allocuted, the district court carefully considered the record, the relevant factors (including those in mitigation), and fixed a sentence within the guidelines. There is no clear error in weighing relevant matters, *see United States v. Bryant*, 606 F.3d 912, 921 (8th Cir.2010), and so no abuse of discretion, even if there had been evidence to overcome the presumption of correctness, which there was not.

Affirmed.
