

United States Court of Appeals
For the Eighth Circuit

No. 13-1543

United States of America

Plaintiff - Appellee

v.

Lorenzo Diaz

Defendant - Appellant

Appeal from United States District Court
for the Northern District of Iowa - Cedar Rapids

Submitted: August 21, 2013

Filed: August 27, 2013

[Unpublished]

Before WOLLMAN, GRUENDER, and BENTON, Circuit Judges.

PER CURIAM.

While Lorenzo Diaz was serving a second period of supervised release—after revocation of the first period of supervised release, due to his violation of several

release conditions—the district court¹ found that Diaz had again violated his release conditions. The district court revoked supervised release and sentenced Diaz to serve ten months in prison and additional supervised release through March 31, 2019. Diaz appeals, arguing that the district court abused its discretion in sentencing him to serve ten months in prison, and in particular, that the court improperly balanced the 18 U.S.C. § 3553(a) factors in choosing his revocation sentence.

Upon careful review of the record before us, we conclude that the district court did not impose an unreasonable sentence. *See United States v. Miller*, 557 F.3d 910, 915-16 (8th Cir. 2009) (standard of review). The court calculated and considered the Guidelines revocation range and applicable statutory limits; assured Diaz that the court had considered all of the section 3553(a) factors; discussed certain section 3553(a) factors, including Diaz’s lengthy criminal history and poor history on supervision; gave detailed reasons for its revocation sentence; and sentenced Diaz within the recommended Guidelines revocation range. *See* 18 U.S.C. § 3583(e) (permitting revocation of supervised release and re-imprisonment after consideration of specified factors in 18 U.S.C. § 3553(a)); *United States v. Petreikis*, 551 F.3d 822, 824 (8th Cir. 2009) (applying presumption of substantive reasonableness to revocation sentence within Guidelines range).

Accordingly, the judgment is affirmed, and we grant counsel leave to withdraw.

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