

United States Court of Appeals
For the Eighth Circuit

No. 13-2531

United States of America

Plaintiff - Appellee

v.

Matt McDermott

Defendant - Appellant

Appeal from United States District Court
for the District of Nebraska - Omaha

Submitted: December 20, 2013

Filed: December 23, 2013

[Unpublished]

Before LOKEN, BOWMAN, and GRUENDER, Circuit Judges.

PER CURIAM.

Matt McDermott directly appeals the order of the district court¹ modifying the terms of his probation. Upon careful review, we reject McDermott's claim that the

¹The Honorable Lyle E. Strom, United States District Judge for the District of Nebraska.

district court was biased against him and conclude that his other arguments on appeal lack merit. The district court committed no abuse of discretion. *Cf. United States v. Leigh*, 276 F.3d 1011, 1012 (8th Cir. 2002) (per curiam) (revocation of probation is reviewed for abuse of discretion and requires only enough evidence, within sound judicial discretion, to satisfy district judge that conduct of probationer has not met conditions of probation).²

We thus affirm the order of the district court. We also deny McDermott's pending motion.

²To the extent McDermott has attempted to assert a claim of ineffective assistance of counsel, he first did so in his reply brief, and we decline to consider it. *See Jenkins v. Winter*, 540 F.3d 742, 751 (8th Cir. 2008) (“Claims not raised in an opening brief are deemed waived. . . . This court does not consider issues raised for the first time on appeal in a reply brief.”).