

United States Court of Appeals
For the Eighth Circuit

No. 13-3474

United States of America

Plaintiff - Appellee

v.

David Alden Johnston

Defendant - Appellant

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

Submitted: March 20, 2014

Filed: April 28, 2014

[Unpublished]

Before MURPHY, COLLOTON, and BENTON, Circuit Judges.

PER CURIAM.

David Johnston directly appeals the within-Guidelines-range sentence the district court¹ imposed upon revoking his supervised release. He argues that the

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

district court did not properly balance the relevant 18 U.S.C. § 3553(a) factors, and that his revocation sentence is unreasonable. His counsel has also moved for leave to withdraw.

Upon careful review, see United States v. Miller, 557 F.3d 910, 915-917 (8th Cir. 2009) (appeals court reviews revocation sentence for abuse of discretion), we conclude that the district court properly considered and balanced the relevant sentencing factors, and did not impose an unreasonable sentence, see United States v. Petreikis, 551 F.3d 822, 824 (8th Cir. 2009) (applying presumption of substantive reasonableness to revocation sentence within Guidelines range). Accordingly, we affirm the judgment of the district court, and we grant counsel's motion to withdraw, subject to counsel informing Johnston about procedures for seeking rehearing or filing a petition for certiorari.
