

United States Court of Appeals
For the Eighth Circuit

No. 16-1848

United States of America

Plaintiff - Appellee

v.

Maurice Malone, also known as Tito

Defendant - Appellant

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

Submitted: October 14, 2016

Filed: October 19, 2016

[Unpublished]

Before SMITH, BENTON, and SHEPHERD, Circuit Judges.

PER CURIAM.

Maurice Malone appeals the sentence the district court¹ imposed after revoking his supervised release. Having jurisdiction under 28 U.S.C. § 1291, this court affirms.

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

The district court did not abuse its discretion. *See United States v. Merrival*, 521 F.3d 889, 890 (8th Cir. 2008) (substantive reasonableness of revocation sentence is reviewed under deferential abuse-of-discretion standard). The within-Guidelines-range sentence was not substantively unreasonable, and the court considered the 18 U.S.C. § 3553(a) factors. *See United States v. Petreikis*, 551 F.3d 822, 824 (8th Cir. 2009) (applying presumption of substantive reasonableness to revocation sentence within Guidelines range); *United States v. Miller*, 557 F.3d 910, 917 (8th Cir. 2009) (under substantive-reasonableness test, district court abuses its discretion if it fails to consider relevant § 3553(a) factor, gives significant weight to improper or irrelevant factor, or commits clear error of judgment in weighing factors).

The judgment is affirmed, and counsel's motion to withdraw is granted.
