

United States Court of Appeals
For the Eighth Circuit

No. 16-2251

United States of America

Plaintiff - Appellee

v.

Eldon Philip Anderson

Defendant - Appellant

Appeal from United States District Court
for the District of Minnesota - St. Paul

Submitted: September 20, 2016

Filed: September 23, 2016

[Unpublished]

Before WOLLMAN, ARNOLD, and GRUENDER, Circuit Judges.

PER CURIAM.

Eldon Philip Anderson appeals following the district court's¹ revocation of his supervised release and imposition of a 6-month sentence. Mr. Anderson's sole

¹The Honorable Richard H. Kyle, United States District Judge for the District of Minnesota.

argument on appeal is that the district court committed a Sixth Amendment error by permitting him to waive his fundamental right to counsel without giving him the warnings required by Faretta v. California, 422 U.S. 806 (1975). We disagree. The Sixth Amendment does not apply here. See United States v. Boultinghouse, 784 F.3d 1163, 1171 (7th Cir. 2015) (Sixth Amendment, which grants defendant right to assistance of counsel at all critical stages of criminal proceeding, does not apply in hearing convened to decide if supervised release should be revoked). Further, we find that the district court did not abuse its discretion in accepting Mr. Anderson's waiver of his right to counsel in the revocation proceeding, as the totality of the circumstances reflect that he made a knowing and voluntary choice to proceed on his own. See id. at 1171-72. The judgment of the district court is affirmed. See 8th Cir. R. 47B.
