

United States Court of Appeals
For the Eighth Circuit

No. 17-1836

United States of America

Plaintiff - Appellee

v.

Derek Kok, formerly known as Xuong Manh Quach

Defendant - Appellant

Appeal from United States District Court
for the Southern District of Iowa - Des Moines

Submitted: October 18, 2017

Filed: October 27, 2017

[Unpublished]

Before LOKEN, MURPHY, and SHEPHERD, Circuit Judges.

PER CURIAM.

Derek Kok appeals after the district court¹ revoked his supervised release and imposed a revocation sentence of 11 months in prison, and 60 months of supervised

¹The Honorable Rebecca Ebinger, United States District Judge for the Southern District of Iowa.

release. Kok's counsel has filed a brief arguing that the district court erroneously viewed revocation as mandatory, and imposed a substantively unreasonable revocation sentence. Counsel also moves for leave to withdraw.

As to the first argument, which was not raised before the district court, we conclude that review is for plain error, and that plain error did not occur, particularly in light of the court's thorough explanation of its revocation decision. See United States v. Callaway, 762 F.3d 754, 759 (8th Cir. 2014) (procedural errors not objected to at sentencing are reviewed for plain error); see also United States v. Winston, 850 F.3d 377, 380 (8th Cir. 2017) (plain-error standard). We also conclude that the revocation sentence is not substantively unreasonable. See United States v. Merrival, 521 F.3d 889, 890 (8th Cir. 2008) (abuse-of-discretion standard of review).

Accordingly, we affirm the judgment, and we grant counsel's motion to withdraw.
