

United States Court of Appeals
For the Eighth Circuit

No. 17-2960

United States of America

Plaintiff - Appellee

v.

Rowland F. Zerba, Jr.

Defendant - Appellant

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

Submitted: January 17, 2018

Filed: January 19, 2018

[Unpublished]

Before WOLLMAN, LOKEN, and COLLOTON, Circuit Judges.

PER CURIAM.

In this direct criminal appeal, Rowland Zerba challenges the district court¹ order revoking his supervised release and imposing a 7-month sentence, followed by

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

2 years of supervised release. His counsel has moved to withdraw, and has submitted a brief stating that Zerba believes the district court lacked authority to sentence him to additional supervised release because 18 U.S.C. § 3583(h), which specifically allows for supervised release following revocation and reincarceration, was not in effect at the time of his initial sentencing.

After careful review of the record, we conclude that the district court had authority to impose a term of supervised release following a revocation prison term. See Johnson v. United States, 529 U.S. 694, 713 (2000); United States v. Palmer, 380 F.3d 395, 396-97 (8th Cir. 2004) (en banc) (standard of review). Accordingly, we grant counsel leave to withdraw, and affirm.
