

United States Court of Appeals
For the Eighth Circuit

No. 19-1927

United States of America

Plaintiff - Appellee

v.

Jasper J. Peneaux, Jr.

Defendant - Appellant

Appeal from United States District Court
for the District of South Dakota - Pierre

Submitted: December 11, 2019

Filed: December 16, 2019

[Unpublished]

Before LOKEN, SHEPHERD, and ERICKSON, Circuit Judges.

PER CURIAM.

Jasper Peneaux appeals after the district court¹ revoked his supervised release and sentenced him to 2 months in prison and 12 months of supervised release. His

¹The Honorable Karen E. Schreier, United States District Judge for the District of South Dakota.

counsel has moved for leave to withdraw, and has filed a brief challenging the revocation. Peneaux has not filed a pro se brief.

After careful review of the record, we conclude the district court did not err in finding that Peneaux violated the conditions of his supervised release, or abuse its discretion by revoking Peneaux's supervised release. See 18 U.S.C. § 3583(e)(3) (court may revoke supervised release if it finds by preponderance of evidence that defendant violated condition of supervised release); United States v. Miller, 557 F.3d 910, 913-14 (8th Cir. 2009) (this court reviews decision to revoke supervised release for abuse of discretion, and underlying factual findings as to whether a violation occurred for clear error).

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