

United States Court of Appeals
For the Eighth Circuit

No. 20-1302

United States of America

Plaintiff - Appellee

v.

Dennis Jenne

Defendant - Appellant

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

Submitted: October 15, 2020

Filed: October 23, 2020

[Unpublished]

Before BENTON, WOLLMAN, and SHEPHERD, Circuit Judges.

PER CURIAM.

Dennis L. Jenne appeals the within-Guidelines sentence the district court¹ imposed upon revoking his supervised release. Having jurisdiction under 28 U.S.C. § 1291, this court affirms.

Counsel has moved for leave to withdraw and has filed a brief under *Anders v. California*, 386 U.S. 738 (1967), arguing that the sentence is substantively unreasonable because the district court considered unproven allegations relating to an ongoing investigation. This court concludes that the district court did not impose a substantively unreasonable sentence. *See United States v. Miller*, 557 F.3d 910, 915-18 (8th Cir. 2009) (substantive reasonableness of revocation sentence is reviewed under deferential abuse-of-discretion standard); *cf. United States v. Perkins*, 526 F.3d 1107, 1110 (8th Cir. 2008) (revocation sentence within Guidelines range is accorded a presumption of substantive reasonableness on appeal). The record reflects that the court considered relevant 18 U.S.C. § 3553(a) factors, and did not give significant weight to an improper factor. *See Miller*, 557 F.3d at 917 (district court abuses its discretion in imposing revocation sentence if it fails to consider relevant § 3553(a) factor, gives significant weight to improper or irrelevant factor, or commits clear error of judgment). The revocation sentence was within the statutory maximum. *See* 18 U.S.C. § 3583(e)(3) (maximum revocation prison term is 2 years if underlying offense is Class C felony), (h) (length of new supervised-release term shall not exceed term authorized by statute for offense of conviction, less revocation prison terms), (k) (for violation of 18 U.S.C. § 2250, maximum term of supervised release is life).

The judgment is affirmed. Counsel's motion to withdraw is granted.

¹The Honorable Stephanie M. Rose, United States District Judge for the Southern District of Iowa.