

United States Court of Appeals
For the Eighth Circuit

No. 23-3711

United States of America

Plaintiff - Appellee

v.

Nyakuoth Duop Mach

Defendant - Appellant

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

Submitted: March 15, 2024

Filed: April 19, 2024

[Unpublished]

Before SHEPHERD, KELLY, and KOBES, Circuit Judges.

PER CURIAM.

Nyakuoth Mach appeals following the district court's revocation of her probation. Her counsel has moved to withdraw and has filed a brief pursuant to Anders v. California, 386 U.S. 738 (1967), arguing that the revocation sentence is substantively unreasonable.

Upon careful review, we vacate the revocation sentence, and remand the matter for resentencing, as the record does not indicate that the district court considered Chapter 7 of the Sentencing Guidelines in imposing the sentence. See United States v. Michael, 909 F.3d 990, 993-94 (8th Cir. 2018) (per curiam) (upon revoking probation, court is required to consider Chapter 7 of Sentencing Guidelines in determining appropriate sentence). While we express no opinion as to the reasonableness of imposing a sentence within the Guidelines range calculated at the initial sentencing, on remand, the district court is directed to also consider Chapter 7. See USSG § 7B1.4(a) (revocation imprisonment table). Counsel's motion to withdraw is denied.
