United States Court of Appeals
FOR THE EIGHTH CIRCUIT

_____

No. 03-1436

_____

United States of America,   *
                                                   *
                   Appellee,   *
                                                   *   Appeal from the United States
         v.   *   District Court for the Western
                                                   *   District of Missouri.
Matthew L. Lockett,   *
                                                   *   [UNPUBLISHED]
                   Appellant.   *

_____

Submitted: November 5, 2003

Filed: December 9, 2003

_____

Before RILEY, McMILLIAN, and SMITH, Circuit Judges.

_____

PER CURIAM.

        In 1990, Matthew Lockett pleaded guilty to conspiring to distribute 50 grams or more of cocaine base, in violation of 21 U.S.C. §§ 841(a)(1), (b)(1)(A), and 846, and was sentenced to 135 months imprisonment and 5 years supervised release. In 2002, after Lockett admitted violating conditions of his supervised release, the district

court[1] revoked his supervised release and sentenced him to 46 months imprisonment. Lockett appeals.

We conclude the district court did not exceed the limits of 18 U.S.C. § 3583(e)(3) or abuse its discretion by imposing a 46-month sentence, because this term does not exceed the 5-year maximum prison sentence that could have been imposed upon revocation of supervised release. See 21 U.S.C. § 841(b)(1)(A) (drug offense involving 50 grams or more of cocaine base is punishable by sentence of not more than life); 18 U.S.C. §§ 3559(a)(1) (offense punishable by maximum term of life is Class A felony), 3583(e)(3) (limiting supervised-release revocation sentences to no more than 5 years imprisonment where offense that resulted in term of supervised release is Class A felony); United States v. St. John, 92 F.3d 761, 766 (8th Cir. 1996) (period of time defendant's freedom can be restrained upon revocation of supervised release is capped by original supervised-release term); United States v. Grimes, 54 F.3d 489, 492 (8th Cir. 1995) (sentence imposed within limits of § 3583(e) is reviewed for abuse of discretion).

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

_____

[1]The Honorable Dean Whipple, Chief Judge, United States District Court for the Western District of Missouri.