

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 03-2987

United States of America,

Appellee,

v.

James F. Smyth,

Appellant.

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Appeal from the United States
District Court for the
District of Nebraska.

[UNPUBLISHED]

Submitted: February 6, 2004
Filed: February 26, 2004

Before MELLOY, HANSEN, and COLLOTON, Circuit Judges.

PER CURIAM.

James F. Smyth appeals the 24-month prison term the district court¹ imposed after revoking his supervised release. Smyth contends that the district court abused its discretion because it failed to adequately consider the statutory sentencing factors, see 18 U.S.C. § 3583(e)(3), and the recommended sentencing range of 3-9 months in U.S.S.G. § 7B1.4, p.s. We conclude that the district court gave thorough consideration to the sentencing factors and was not bound to follow section 7B1.4's

¹The Honorable Richard G. Kopf, Chief Judge, United States District Court for the District of Nebraska.

sentencing recommendation. Cf. United States v. Shaw, 180 F.3d 920, 923 (8th Cir. 1999) (per curiam). Accordingly, we affirm the judgment of the district court.
