

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 07-1673

United States,

Appellee,

v.

David Lee Patrick,

Appellant.

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* Appeal from the United States

* District Court for the

* Western District of Missouri.

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* [UNPUBLISHED]

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Submitted: January 15, 2008

Filed: January 17, 2008

Before WOLLMAN, RILEY, and GRUENDER, Circuit Judges.

PER CURIAM.

David Lee Patrick (Patrick) appeals the sentence the district court¹ imposed after revoking his supervised release. After reviewing the record and counsel's brief, we conclude Patrick's challenge to the district court's failure to credit him for time previously served in his other revocation cases is without merit because the district court lacked authority to give him such credit. See United States v. Wilson, 503 U.S. 329, 333-35 (1992) (declaring the Attorney General, not the district court, has the responsibility for computing credit for time served under 18 U.S.C. § 3585(b)); United

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

States v. Tindall, 455 F.3d 885, 887-88 (8th Cir. 2006) (same), cert. denied, 127 S. Ct. 1028 (2007).

We further conclude Patrick's sentence is not unreasonable because it was within the properly calculated advisory Guidelines range and the sentence resulted from the court's consideration of appropriate factors under 18 U.S.C. § 3553(a). See United States v. Nelson, 453 F.3d 1004, 1006 (8th Cir. 2006) (concluding an appellate court reviews a revocation sentence to determine whether it is unreasonable in relation to, inter alia, the advisory Guidelines range and § 3553(a) factors); United States v. Tyson, 413 F.3d 824, 825 (8th Cir. 2005) (per curiam) (stating revocation sentences are reviewed for reasonableness in accordance with United States v. Booker, 543 U.S. 220 (2005)).

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