

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 08-1544

United States of America,

Appellee,

v.

Dewayne Calvin Bryant, also known as
Weasel, also known as Weed, also
known as Whees,

Appellant.

*
*
*
*
*
*
*
*
*
*

Appeal from the United States
District Court for the
Western District of Missouri.

[UNPUBLISHED]

Submitted: March 26, 2009
Filed: March 31, 2009

Before BYE, COLLOTON, and GRUENDER, Circuit Judges.

PER CURIAM.

Upon revoking Dewayne Calvin Bryant's supervised release, the district court¹ sentenced him above the advisory Guidelines range (4-10 months) to 20 months in prison with no further supervised release. Bryant appeals his sentence.

¹The Honorable Howard F. Sachs, United States District Judge for the Western District of Missouri.

We conclude that the sentence is not unreasonable. See United States v. Tyson, 413 F.3d 824, 825 (8th Cir. 2005) (per curiam) (review of revocation sentences). First, the 20-month sentence does not exceed the statutory maximum authorized where the offenses underlying Bryant’s supervised release were a Class B felony and a Class C felony. See 18 U.S.C. § 3583(e)(3) (maximum prison term upon revocation of supervised release is 3 years for Class B felony and 2 years for Class C felony). Second, the sentence resulted from the district court’s consideration of relevant policy statements and 18 U.S.C. § 3553(a) factors. See 18 U.S.C. § 3583(e) (specifying § 3553(a) factors court should consider in revocation decision); U.S.S.G. § 7B1.4, p.s. (recommended prison term); United States v. Nelson, 453 F.3d 1004, 1006 (8th Cir. 2006) (appellate court reviews revocation sentence to determine whether it is unreasonable in relation to, inter alia, advisory Guidelines range and § 3553(a) factors).

Accordingly, we affirm the judgment. We also grant counsel’s motion to withdraw.
