

United States Court of Appeals
For the Eighth Circuit

No. 17-3316

United States of America

Plaintiff - Appellee

v.

Jonathan Jason McClarin

Defendant - Appellant

Appeal from United States District Court
for the Western District of Missouri - Kansas City

Submitted: June 18, 2018

Filed: June 22, 2018

[Unpublished]

Before LOKEN, BOWMAN, and GRUENDER, Circuit Judges.

PER CURIAM.

Jonathan McClarin appeals after the district court¹ revoked his supervised release and sentenced him to 24 months in prison. His counsel has moved to

¹The Honorable Roseann A. Ketchmark, United States District Judge for the Western District of Missouri.

withdraw, and filed a brief challenging both the decision to revoke his supervised release and the resulting revocation sentence. We affirm.

Upon careful review, we conclude that the district court did not clearly err in finding that McClarin had violated multiple supervised-release conditions, and therefore did not abuse its discretion by revoking his supervised release. See 18 U.S.C. § 3583(e)(3) (court may revoke supervised release if it finds by preponderance of evidence that defendant violated condition of supervised release); see also United States v. Miller, 557 F.3d 910, 914 (8th Cir. 2009) (standard of review; single violation is sufficient to revoke defendant's supervised release). We also conclude that the district court did not abuse its discretion in sentencing McClarin, as his 24-month prison term did not exceed the statutory limit for his underlying Class B felony, and the court appropriately considered the 18 U.S.C. § 3553(a) sentencing factors. See 18 U.S.C. § 3583(e)(3) (maximum revocation prison term is 3 years if underlying offense is Class B felony; before revoking supervised release and imposing sentence, court must consider specified factors in § 3553(a)); see also United States v. Johnson, 827 F.3d 740, 744 (8th Cir. 2016) (standard of review).

Accordingly, we affirm the judgment, we grant counsel's motion to withdraw, and we deny the pro se motion for appointment of new counsel.
