

United States Court of Appeals
For the Eighth Circuit

No. 18-1943

United States of America

Plaintiff - Appellee

v.

Deandre Terrell Miller

Defendant - Appellant

Appeal from United States District Court
for the Southern District of Iowa - Davenport

Submitted: March 7, 2019
Filed: March 13, 2019
[Unpublished]

Before LOKEN, COLLOTON, and KOBES, Circuit Judges.

PER CURIAM.

Deandre Terrell Miller appeals the district court's¹ order revoking his supervised release and imposing a 60-month prison sentence followed by 30 months of supervised release. His counsel has moved for leave to withdraw, and has submitted a brief asserting the evidence was insufficient to support a finding that he violated his release conditions by committing an assault, and that the sentence is substantively unreasonable.

After careful review of the record, we conclude that the district court did not clearly err in finding, by a preponderance of the evidence, that Miller committed an assault. See 18 U.S.C. § 3583(e)(3); United States v. Black Bear, 542 F.3d 249, 252 (8th Cir. 2008) (standard of review). We also conclude that the district court did not abuse its discretion in sentencing Miller, as it properly considered the 18 U.S.C. § 3553(a) factors; there was no indication that it overlooked a relevant factor, or committed a clear error of judgment in weighing relevant factors, see United States v. Miller, 557 F.3d 910, 915-18 (8th Cir. 2009) (standard of review); see also United States v. David, 682 F.3d 1074, 1077 (8th Cir. 2012); and the sentence was within the Guidelines range, and below the statutory limit, see 18 U.S.C. §§ 3583(e)(3), (h); United States v. Aguayo-Delgado, 220 F.3d 926, 933 (8th Cir. 2000).

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

¹The Honorable John A. Jarvey, Chief Judge, United States District Court for the Southern District of Iowa.