

United States Court of Appeals
For the Eighth Circuit

No. 19-3452

United States of America

Plaintiff Appellee

v.

Dameon Harris

Defendant Appellant

Appeal from United States District Court
for the Northern District of Iowa - Waterloo

Submitted: April 29, 2020

Filed: May 4, 2020

[Unpublished]

Before BENTON, WOLLMAN, and GRASZ, Circuit Judges.

PER CURIAM.

Dameon Dariyus Harris appeals the above-Guidelines sentence the district court¹ imposed upon revoking his supervised release. Having jurisdiction under 28 U.S.C. § 1291, this court affirms.

¹The Honorable Linda R. Reade, United States District Judge for the Northern District of Iowa.

Harris’s counsel has moved for leave to withdraw and has filed a brief under *Anders v. California*, 386 U.S. 738 (1967), arguing that the sentence is substantively unreasonable. This court concludes that the district court did not impose a substantively unreasonable sentence. *See United States v. Miller*, 557 F.3d 910, 915-18 (8th Cir. 2009) (substantive reasonableness of revocation sentence is reviewed under deferential abuse-of-discretion standard); *United States v. Feemster*, 572 F.3d 455, 464 (8th Cir. 2009) (en banc) (“it will be the unusual case when we reverse a district court sentence – whether within, above, or below the applicable Guidelines range – as substantively unreasonable”). The record reflects that the revocation sentence was within the statutory maximum. *See* 18 U.S.C. § 3583(e)(3) (maximum revocation prison term is 2 years if underlying offense is Class C felony), (b)(2) (statutory maximum supervised release term for Class C offense of conviction is 3 years), (h) (length of new supervised-release term shall not exceed term authorized by statute for offense of conviction, less revocation prison terms). The court stated it had considered the relevant 18 U.S.C. § 3553(a) factors. *See United States v. White Face*, 383 F.3d 733, 740 (8th Cir. 2004) (district court need not mechanically list every § 3553(a) factor when sentencing defendant upon revocation; all that is required is consideration of relevant matters and some reason for court’s decision).

The judgment is affirmed. Counsel’s motion to withdraw is granted.
