

United States Court of Appeals
For the Eighth Circuit

No. 20-3469

United States of America

Plaintiff - Appellee

v.

Elmer Lee Wells, Jr.

Defendant - Appellant

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

Submitted: May 5, 2021

Filed: May 10, 2021

[Unpublished]

Before COLLOTON, BENTON, and STRAS, Circuit Judges.

PER CURIAM.

Elmer Wells, Jr., appeals a within-Guidelines-range sentence of 21 months in prison for violating the conditions of supervised release. He challenges the substantive reasonableness of the sentence, and his attorney seeks permission to withdraw.

We conclude that Wells's sentence is substantively reasonable. *See United States v. Miller*, 557 F.3d 910, 917 (8th Cir. 2009) (reviewing the reasonableness of a revocation sentence for an abuse of discretion); *United States v. Perkins*, 526 F.3d 1107, 1110 (8th Cir. 2008) (stating that a within-Guidelines-range sentence is presumptively reasonable). The record establishes that the district court¹ sufficiently considered the statutory sentencing factors, 18 U.S.C. §§ 3553(a), 3583(e)(3), and did not rely on an improper factor or commit a clear error of judgment. *See United States v. Larison*, 432 F.3d 921, 923–24 (8th Cir. 2006). Accordingly, we affirm the judgment and grant counsel permission to withdraw.

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