

United States Court of Appeals
For the Eighth Circuit

No. 21-1743

United States of America

Plaintiff - Appellee

v.

Matthew Jay Garcia

Defendant - Appellant

Appeal from United States District Court
for the District of North Dakota - Eastern

Submitted: December 22, 2021

Filed: December 28, 2021

[Unpublished]

Before LOKEN, SHEPHERD, and STRAS, Circuit Judges.

PER CURIAM.

Matthew Garcia appeals after the district court¹ revoked his supervised release and sentenced him to 12 months in prison and 12 months of supervised release. His

¹The Honorable Peter D. Welte, Chief Judge, United States District Court for the District of North Dakota.

counsel has moved for leave to withdraw, and has filed a brief challenging the sentence.

After careful review of the record, we conclude that the district court did not abuse its discretion in sentencing Garcia. The sentence was within the advisory Guidelines range, and below the statutory limit, see 18 U.S.C. § 3583(e)(3) (maximum revocation prison term is 5 years for Class A felony); 21 U.S.C. § 841(b)(1)(A) (maximum supervised release term is life). It properly considered the sentencing factors and did not commit a clear error of judgment in weighing them. *See United States v. Miller*, 557 F.3d 910, 915-18 (8th Cir. 2009); *see also United States v. White Face*, 383 F.3d 733, 740 (8th Cir. 2004).

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