

United States Court of Appeals
For the Eighth Circuit

No. 23-3568

United States of America

Plaintiff - Appellee

v.

Daniel L. Lopez

Defendant - Appellant

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

Submitted: June 20, 2024

Filed: June 27, 2024

[Unpublished]

Before LOKEN, GRUENDER, and STRAS, Circuit Judges.

PER CURIAM.

After violating the conditions of supervised release, Daniel Lopez received a 27-month prison sentence. His counsel, who seeks permission to withdraw, suggests the revocation was based on clearly erroneous findings and the sentence is procedurally and substantively unreasonable.

We conclude otherwise. Lopez stipulated to the violations underlying the revocation. *See United States v. Edwards*, 400 F.3d 591, 592 (8th Cir. 2005) (per curiam). Then, relying on undisputed facts, the district court¹ correctly calculated the advisory range and adequately explained its reasoning. *See United States v. Miller*, 557 F.3d 910, 916 (8th Cir. 2009) (applying the plain-error standard to unpreserved claims of procedural error). In doing so, it 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. Dixon*, 52 F.4th 731, 733 (8th Cir. 2022) (reviewing a revocation sentence for an abuse of discretion). We accordingly affirm the judgment of the district court and grant counsel permission to withdraw.

¹The Honorable Brian C. Wimes, United States District Judge for the Western District of Missouri.