

United States Court of Appeals
For the Eighth Circuit

No. 25-2558

United States of America

Plaintiff - Appellee

v.

Eldonte Lamar Kirk

Defendant - Appellant

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

Submitted: December 29, 2025

Filed: January 7, 2026

[Unpublished]

Before LOKEN, ERICKSON, and GRASZ, Circuit Judges.

PER CURIAM.

Eldonte Kirk appeals after the district court¹ revoked his supervised release for committing a new law violation and sentenced him to 14 months in prison and 36

¹The Honorable Stephanie M. Rose, Chief Judge, United States District Court for the Southern District of Iowa.

months of supervised release. Kirk argues that in sentencing him the district court plainly erred by relying on a fact unsupported by the record, namely that Kirk engaged in a high-speed chase in connection with the new law violation for which the court revoked his supervised release.

Upon careful review, we conclude that any error in the district court's characterization of Kirk's conduct as involving a high-speed chase does not warrant plain-error relief, as Kirk does not dispute that while intoxicated he drove his vehicle at a high rate of speed in the wrong direction on the highway and nearly struck a deputy who was attempting to stop his vehicle. *See United States v. Harrell*, 982 F.3d 1137, 1139–40 (8th Cir. 2020) (conducting plain-error review where defendant challenged unobjected-to statement by district court during court's explanation for sentence). Accordingly, we affirm.
