

United States Court of Appeals
For the Eighth Circuit

No. 25-3240

United States of America,

Plaintiff - Appellee,

v.

Todd K. Boyd,

Defendant - Appellant.

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

Submitted: June 9, 2026

Filed: August 20, 2026

Before COLLOTON, Chief Judge, ARNOLD and GRASZ, Circuit Judges.

COLLOTON, Chief Judge.

The district court* revoked Todd Boyd's term of supervised release and sentenced him to 36 months' imprisonment. Boyd argues for the first time on appeal that the court considered improper factors in making the revocation decision. We

*The Honorable David Gregory Kays, United States District Judge for the Western District of Missouri.

conclude that there is no plain error warranting relief, and we reject Boyd’s separate contention that the revocation sentence is unreasonable.

Boyd was convicted in 2016 of distributing cocaine and unlawfully possessing a firearm as a felon. He served a term of imprisonment and commenced a term of supervised release in November 2024.

In March 2025, the probation office petitioned the court to revoke Boyd’s term of supervised release based on violations of the applicable conditions. At a hearing, Boyd admitted that he failed to obtain employment, unlawfully used drugs, consumed alcohol, and failed to complete substance abuse counseling. His attorney told the court that Boyd “would not oppose a finding of violation” based on Boyd’s commission of a new crime and possession of a firearm.

The court determined that Boyd was in violation of the conditions of his supervised release on all of the alleged violations. The court calculated an advisory guideline range of 12 to 18 months’ imprisonment, and varied upward to impose a term of 36 months.

Two provisions in the supervised release statute, 18 U.S.C. § 3583, address revocation. Section 3583(g), entitled “Mandatory revocation,” provides that the court “shall” revoke the term of supervised release if a defendant possesses a controlled substance or firearm, refuses to comply with drug testing, or tests positive for illegal drugs more than three times in a year. Section 3583(e) separately provides that a court “may,” after considering the factors set forth in section 3553(a)(1), (a)(2)(B), (a)(2)(C), (a)(2)(D), (a)(4), (a)(5), (a)(6), and (a)(7), revoke a term of supervised release.

The Supreme Court recently addressed revocation under § 3583(e). In *Esteras v. United States*, 606 U.S. 185 (2025), the Court held that “Congress’s decision to

exclude § 3553(a)(2)(A) from § 3583(e)'s list of sentencing factors means that district courts cannot consider § 3553(a)(2)(A) when deciding whether to revoke supervised release.” *Id.* at 197. The excluded subsection, which applies at an initial sentencing, instructs a sentencing court to consider “the need for the sentence imposed” “to reflect the seriousness of the offense, to promote respect for the law, and to provide just punishment for the offense.” The Court in *Esteras* concluded that in determining whether to revoke a term of supervised release under § 3583(e), the court may not “account for the need to exact retribution for the defendant’s underlying crime.” *Id.* at 194-95.

On appeal, Boyd argues that the district court plainly erred by considering § 3553(a)(2)(A) when revoking his term of supervised release. He relies on *Esteras*, cites the district court’s reference to “the need for respect for the law” as a goal of sentencing, and points to the court’s statement that it had considered “all the factors under 18 U.S.C. 3553(a)” in fashioning a new term of imprisonment. To prevail under the plain-error standard on a claim of procedural error, Boyd must show an obvious error that affected his substantial rights and seriously undermines the fairness, integrity, or public reputation of judicial proceedings. *United States v. Olano*, 507 U.S. 725, 736 (1993).

We conclude that there is no plain error warranting relief. The district court revoked Boyd’s term of supervised release under the mandatory revocation provision of § 3583(g), because Boyd possessed a controlled substance and possessed a firearm. *Esteras* specifically declined to address what factors a court may consider when acting under § 3583(g), and the Court left open the possibility that “§ 3583(e) might operate differently from § 3583(g).” 606 U.S. at 202.

In light of the textual differences between the two subsections, this court previously opined that a district court acting under the mandatory revocation provision of § 3583(g) “was not constrained by the factors specifically enunciated in

18 U.S.C. § 3583(e).” *United States v. Larison*, 432 F.3d 921, 923 n.3 (8th Cir. 2006). Two other circuits, in the wake of *Esteras*, have concluded that a district court does not plainly err by considering § 3553(a)(2)(A) when revoking a term of release under § 3583(g). *United States v. Williams*, No. 25-1402, 2026 WL 1428874, at *2 (3d Cir. May 21, 2026); *United States v. Lamberson*, No. 25-10739, 2026 WL 938224, at *2 (5th Cir. Apr. 7, 2026) (per curiam) (unpublished), *petition for cert. filed* (U.S. July 6, 2026) (No. 26-5049). Therefore, even assuming for the sake of analysis that the district court considered § 3553(a)(2)(A) in making its revocation decision, there was no obvious error.

Boyd next argues that the district court imposed an unreasonable sentence by varying upward from the advisory range of 12 to 18 months’ imprisonment to a sentence of 36 months. This court reviews the reasonableness of a revocation sentence under a deferential abuse-of-discretion standard. *United States v. Laurel-Olea*, 143 F.4th 980, 981 (8th Cir. 2025).

The district court did not abuse its considerable discretion. The court properly considered the need for the sentence imposed “to afford adequate deterrence,” “to protect the public,” and “to provide the defendant with needed . . . correctional treatment.” *See* 18 U.S.C. § 3553(a)(2)(B), (a)(2)(C), (a)(2)(D). The court cited Boyd’s recidivism, the dangerousness of his behavior, and the fact that prior prison sentences had not deterred him from reoffending. The court also properly considered Boyd’s inability to adhere to the conditions of his supervised release. *See United States v. Starr*, 111 F.4th 877, 880 (8th Cir. 2024). Boyd’s disagreement with how the district court weighed the relevant sentencing factors does not justify reversal. *See United States v. Pratt*, 142 F.4th 1090, 1095 (8th Cir. 2025).

The judgment of the district court is affirmed.