

United States Court of Appeals
For the Eighth Circuit

No. 26-1931

United States of America

Plaintiff - Appellee

v.

Andre Griffin, Jr.

Defendant - Appellant

Appeal from United States District Court
for the Eastern District of Missouri - St. Louis

Submitted: September 16, 2026

Filed: September 21, 2026

[Unpublished]

Before L.R. SMITH, GRUENDER, and SHEPHERD, Circuit Judges.

PER CURIAM.

Andre Griffin appeals after the district court¹ revoked his supervised release and sentenced him to 8 months in prison. His counsel has moved to withdraw and has

¹The Honorable Stephen R. Clark, Chief Judge, United States District Court for the Eastern District of Missouri.

filed a brief challenging the substantive reasonableness of the sentence. Counsel also suggests that the district court erred in treating the revocation as mandatory under 18 U.S.C. § 3583(g), and failing to consider the availability of appropriate substance abuse treatment alternatives under section 18 U.S.C. § 3583(d).

Upon careful review, we conclude that the district court did not err when it treated revocation as mandatory under section 3583(g), *see United States v. Stephens*, 65 F.3d 738, 739-41 (8th Cir. 1995) (treating revocation as mandatory under § 3583(g) where the defendant failed to comply with a drug testing condition), and did not abuse its discretion when it implicitly declined to grant an exception under section 3583(d), *see United States v. Hammonds*, 370 F.3d 1032, 1038-39 (10th Cir. 2004) (determining that the district court did not abuse its discretion by failing to make a specific ruling rejecting the application of § 3583(d) because there was no indication the court did not recognize its power to grant an exception). In any event, we determine that any section 3583(g) or section 3583(d) error would have been harmless in light of the district court's statements that it would have imposed a prison term if revocation was not mandatory. *See United States v. Cates*, 613 F.3d 856, 859 (8th Cir. 2010) (concluding that error concerning the revocation sentence was harmless where the district court declared it would have imposed the same sentence).

We further conclude that the district court did not abuse its discretion in sentencing Griffin, as there is no indication that the court failed to consider a relevant factor, gave significant weight to an improper factor, or committed a clear error of judgment in arriving at a within-Guidelines term. *See United States v. Pratt*, 142 F.4th 1090, 1094-95 (8th Cir. 2025) (reviewing a revocation sentence for an abuse of discretion; concluding that a district court abuses its discretion if it fails to consider a relevant factor, gives significant weight to an improper factor, or commits a clear error of judgment; the court may consider history on supervised release; disagreement with how the court weighed factors does not justify reversal); *United States v.*

Beckwith, 57 F.4th 630, 632 (8th Cir. 2023) (per curiam) (stating that on appeal a within-Guidelines-range revocation sentence is presumed reasonable).

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