

**United States Court of Appeals  
FOR THE EIGHTH CIRCUIT**

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No. 99-3132

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United States of America,	*	
	*	
Appellee,	*	Appeal from the United States
	*	District Court for the Eastern
v.	*	District of Missouri.
	*	
Avery Parker Boyd, Jr.,	*	[UNPUBLISHED]
	*	
Appellant.	*	

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Submitted: May 5, 2000

Filed: May 18, 2000

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Before LOKEN, FAGG, and HANSEN, Circuit Judges.

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PER CURIAM.

Avery Parker Boyd, Jr. appeals the district court's imposition of a term of imprisonment and supervised release following the revocation of Boyd's original term of supervised release. For reversal, Boyd argues his revocation sentence violates ex post facto and due process principles because 18 U.S.C. § 3583(h) was applied to him even though it was enacted after he committed the underlying offense of conviction. We reject Boyd's argument. First, Boyd did not raise this argument in the district court. Second, Boyd's argument is foreclosed by this court's opinion in United States v. St. John, 92 F.3d 761 (8th Cir. 1996). We affirm. See 8th Cir. R. 47B.

A true copy.

Attest:

CLERK, U.S. COURT OF APPEALS, EIGHTH CIRCUIT.