

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

No. 99-3457

United States of America,

Appellee,

v.

Barry Steven Wallace,

Appellant.

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Appeal from the United States
District Court for the
District of Minnesota.

[UNPUBLISHED]

Submitted: October 12, 2000

Filed: October 20, 2000

Before RICHARD S. ARNOLD, LOKEN, and BYE, Circuit Judges.

PER CURIAM.

While serving the supervised release portion of his sentence for possessing an unregistered firearm, Barry Steven Wallace absconded from a community corrections center for the second time. He admitted violating a supervised release condition, and the district court¹ revoked supervised release and imposed a twelve-month term of imprisonment with no additional supervised release. Wallace appeals, arguing the

¹The HONORABLE DAVID S. DOTY, United States District Judge for the District of Minnesota.

district court abused its discretion by sentencing him to twelve months in prison when only ten months remained on his supervised release term. We affirm.

Wallace's underlying conviction was for possession of an unregistered firearm, a Class C felony. See 26 U.S.C. § 5871; 18 U.S.C. § 3559(a)(3). Upon revocation of supervised release, the district court may impose a prison sentence of up to two years if the underlying offense was a Class C felony. See 18 U.S.C. § 3583(e)(3). Having carefully reviewed the record, we conclude the district court did not abuse its discretion by imposing a twelve-month revocation sentence, even though it resulted in Wallace being imprisoned beyond the expiration of his original term of supervised release. See United States v. Grimes, 54 F.3d 489, 492 (8th Cir. 1995) (standard of review); United States v. Bewley, 27 F.3d 343, 344 (8th Cir. 1994) (district court did not err in sentencing defendant to imprisonment term longer than remaining amount of time left on original term of supervised release).

Accordingly, we affirm. Appointed counsel's motion to withdraw is granted.

A true copy.

Attest:

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