

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

No. 00-2813

United States of America,

Appellee,

v.

Robert Dale Crain,

Appellant.

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* Appeal from the United States
* District Court for the
* Western District of Missouri.
*
* [UNPUBLISHED]
*

Submitted: March 29, 2001

Filed: April 6, 2001

Before BOWMAN, BEAM, and BYE, Circuit Judges.

PER CURIAM.

Robert Dale Crain pleaded guilty to credit card fraud, in violation of 18 U.S.C. § 1029(a)(2), and was sentenced to 16 months imprisonment and 3 years supervised release. While serving the supervised release portion of his sentence, Crain violated his release conditions. After a hearing, the district court¹ revoked his supervision, and sentenced him to 9 months imprisonment and 27 months additional supervised release. Crain now appeals, challenging his sentence. We affirm.

¹The Honorable Gary A. Fenner, United States District Judge for the Western District of Missouri.

When a district court finds by a preponderance of the evidence that a defendant has violated a supervised release condition, the court may revoke supervised release and impose imprisonment without credit for time previously served on postrelease supervision. See 18 U.S.C. § 3583(e)(3). We review for abuse of discretion. See United States v. Grimes, 54 F.3d 489, 492 (8th Cir. 1995).

Having reviewed the record and Crain's brief, we conclude his revocation sentence neither exceeds the limits of section 3583(e), nor constitutes an abuse of discretion by the district court. See 18 U.S.C. §§ 1029(c)(1)(A)(i), 3559(a)(3), 3583(e)(3), 3583(h); United States v. St. John, 92 F.3d 761, 766 (8th Cir. 1996).

Accordingly, we affirm.²

A true copy.

Attest:

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

²We also grant counsel's motion to withdraw representation of Crain.