

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 03-1751

United States of America,

Appellee,

v.

Som Boun Cam,

Appellant.

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* [UNPUBLISHED]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

Submitted: December 17, 2003

Filed: February 2, 2004

Before WOLLMAN, LAY, and HANSEN, Circuit Judges.

PER CURIAM.

Som Boun Cam appeals the sentence imposed pursuant to 18 U.S.C. § 3583(e), for violations of his supervised release conditions, arguing that it is excessive and reflects an abuse of discretion. The district court¹ imposed a 24-month term of imprisonment and a 36-month term of supervised release in light of Cam's two Grade C violations for failing 13 drug tests within 10 months and failing to appear for other drug tests.

¹The Honorable Richard G. Kopf, Chief Judge, United States District Court for the District of Nebraska.

Although the sentence is greater than the recommended range in the sentencing guidelines, U.S. Sentencing Guidelines Manual § 7B1.4 (2003), the guidelines are only advisory policy statements in the area of supervised release. Id. § 7A1. The district court may in its discretion, limited only by statute, impose a sentence outside the range. See 18 U.S.C. § 3583(e)(3); United States v. Holmes, 283 F.3d 966, 968 (8th Cir. 2002); United States v. Shaw, 180 F.3d 920, 922 (8th Cir. 1999) (per curiam). Upon review for abuse of discretion, Holmes, 283 F.3d at 968, we conclude that the district court considered the appropriate factors in determining the sentence, see 18 U.S.C. § 3553(a); United States v. Touche, 323 F.3d 1105, 1107 (8th Cir. 2003), and that the sentence it imposed was reasonable in light of Cam's mental health history and the special needs regarding the treatment of his drug abuse.

The judgment is affirmed. See 8th Cir. R. 47B.
