

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

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No. 03-3220

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United States of America,

Appellee,

v.

Rhonda L. Smith,

Appellant.

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

[UNPUBLISHED]

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Submitted: May 25, 2004

Filed: June 1, 2004

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Before MORRIS SHEPPARD ARNOLD, FAGG, and SMITH, Circuit Judges.

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PER CURIAM.

Rhonda L. Smith appeals the 12-month prison term the district court\* imposed after revoking Smith's supervised release. Smith contends the district court abused its discretion because it failed adequately to consider the statutory sentencing factors, see 18 U.S.C. § 3583(e)(3), and the recommended sentencing range of 3-9 months in U.S.S.G. § 7B1.4, p.s. We conclude the district court gave thorough consideration to the sentencing factors, including the recommended sentencing range, see United States v. Graves, 914 F.2d 159, 160 (8th Cir. 1990) (per curiam), and was not bound

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

to follow section 7B1.4's sentencing recommendation, see United States v. Touche, 323 F.3d 1105, 1107 (8th Cir. 2003). Accordingly, we affirm the judgment of the district court.

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