

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 04-3802

United States of America,

Appellee,

v.

Matthew James Morgan,

Appellant.

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Appeal from the United States
District Court for the
Western District of Missouri.

[UNPUBLISHED]

Submitted: September 6, 2005
Filed: September 12, 2005

Before MELLOY, MAGILL, and GRUENDER, Circuit Judges.

PER CURIAM.

Matthew Morgan pleaded guilty to stealing explosive materials, and was sentenced to 18 months in prison and 3 years supervised release. See 18 U.S.C. §§ 844(k) (10-year maximum prison term), 3559(a)(3) (Class C felony), 3583(b)(2) (3-year maximum supervised release term for Class C felony). At a revocation hearing several months after his release, Morgan did not deny alleged violations of the conditions of his release. The district court¹ revoked supervised release and imposed a new sentence of 4 months imprisonment and 2 years supervised release,

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

commenting on Morgan's personal circumstances and his numerous violations. Morgan appeals this sentence.

We note that both the prison term and the supervised release term were within authorized limits, and that the district court considered appropriate factors in imposing the revocation sentence. See 18 U.S.C. §§ 3583(e)(3) (authorizing up to 2 years imprisonment upon revocation of supervised release where original offense was Class C felony), 3583(h) (authorizing new period of supervised release not to exceed maximum term of supervised release for original offense, less any prison time imposed upon revocation of supervised release). We conclude that Morgan's sentence is not unreasonable. See United States v. Tyson, 413 F.3d 824, 825-26 (8th Cir. 2005) (standard of review).

Accordingly, we affirm, and we also grant counsel's motion to withdraw.
