

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 04-3224

United States of America,

Appellee,

v.

Christopher Mosley,

Appellant.

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Appeal from the United States
District Court for the
Northern District of Iowa.

[UNPUBLISHED]

Submitted: December 7, 2005
Filed: December 12, 2005

Before MURPHY, SMITH, and BENTON, Circuit Judges.

PER CURIAM.

Christopher Mosley pleaded guilty in June 1992 to possession with intent to distribute 5 or more grams of a mixture containing cocaine base, in violation of 21 U.S.C. § 841(a)(1) and (b)(1)(B) (a Class B felony), and to being a felon in possession of ammunition, in violation of 18 U.S.C. § 922(g)(1). He was sentenced to 160 months imprisonment and 5 years supervised release. See 21 U.S.C. § 841(a)(1), (b)(1)(B); 18 U.S.C. § 3559(a)(2) (offense classification). The district court¹ later revoked supervised release—upon Mosley’s admissions that he had violated certain

¹The Honorable Linda R. Reade, United States District Judge for the Northern District of Iowa.

release conditions—and imposed a new sentence of 36 months imprisonment. Mosley appeals this sentence arguing that the sentence is excessive and that the district court failed to consider appropriate factors.

These arguments fail. The new prison term was within authorized limits, and the hearing transcript shows that the district court considered appropriate factors in imposing this revocation sentence. See 18 U.S.C. § 3583(e)(3) (requiring consideration of 18 U.S.C. § 3553(a) factors; authorizing up to 3 years imprisonment upon revocation of supervised release where original offense is Class B felony). We conclude that Mosley’s sentence is not unreasonable. See United States v. Tyson, 413 F.3d 824, 825 (8th Cir. 2005) (per curiam) (standard of review).

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