

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 04-3571

United States of America,

Appellee,

v.

Lawrence Joseph Lapinsky,

Appellant.

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

[UNPUBLISHED]

Submitted: December 7, 2005

Filed: December 9, 2005

Before MURPHY, COLLOTON, and BENTON, Circuit Judges.

PER CURIAM.

Lawrence Lapinsky pleaded guilty in May 1989 to being a felon in possession of a firearm, in violation of 18 U.S.C. § 922(g)(1); due to prior qualifying convictions, he received a mandatory minimum 15-year sentence under 18 U.S.C. § 924(e)(1), and 3 years supervised release. The offense was therefore a Class C felony. See 18 U.S.C. §§ 922(g), 924(e)(1) (15-year mandatory minimum sentence for violation of § 922(g)(1) if defendant has 3 prior convictions for violent felonies or serious drug offenses); 18 U.S.C. § 3559(a)(3) (offense classification). While Lapinsky was

serving the supervised release portion of his sentence, the district court¹ revoked Lapinsky's supervised release upon his admission of several violations of his release conditions, and imposed a new 12-month sentence. Lapinsky now appeals, and his counsel has moved to withdraw.

Contrary to counsel's suggestion, a final revocation hearing was held and the prison term was within authorized limits. Further, the district court considered appropriate factors in imposing the revocation sentence. See 18 U.S.C. § 3583(e)(3) (requiring consideration of 18 U.S.C. § 3553(a) factors; authorizing up to 2 years imprisonment upon revocation of supervised release where original offense is Class C felony). We conclude that Lapinsky'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.

¹The Honorable David S. Doty, United States District Judge for the District of Minnesota.