

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 06-1824

United States of America,

Appellee,

v.

Anthony Scott,

Appellant.

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

[UNPUBLISHED]

Submitted: August 30, 2006
Filed: September 5, 2006

Before RILEY, COLLOTON, and GRUENDER, Circuit Judges.

PER CURIAM.

While Anthony Scott (Scott) was serving the supervised release portion of his federal sentence on a bank-robbery conviction, the district court¹ revoked supervised release and sentenced him to serve 8 months in prison and 24 additional months of supervised release. Scott appeals, arguing for the first time that the court erred by imposing additional supervised release because, under the law in effect in the jurisdiction where he was sentenced when he committed his original offense in May

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

1994,² a revocation sentence including both imprisonment and additional supervised release was not permissible.

The district court did not commit error, plain or otherwise, in imposing a revocation sentence that included both imprisonment and additional supervised release, because at the time of Scott's offense, 18 U.S.C. § 3583(e)(3) authorized such a revocation sentence. See Johnson v. United States, 529 U.S. 694, 702, 713 (2000). Accordingly, we affirm the judgment of the district court, and we grant counsel's motion to withdraw.

²Scott was sentenced in December 1994, in the Eastern District of Washington, to 140 months in prison and 3 years of supervised release. Jurisdiction over Scott was later transferred to the Western District of Missouri.