

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

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No. 09-2613

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United States of America,

Appellee,

v.

David M. Lablance,

Appellant.

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

[UNPUBLISHED]

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Submitted: December 16, 2009

Filed: December 21, 2009

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Before BYE, BOWMAN, and BENTON, Circuit Judges.

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PER CURIAM.

David Lablance appeals the sentence imposed on him by the district court<sup>1</sup> upon revocation of his supervised release. Upon careful review, we conclude the revocation sentence is not unreasonable, *see* 18 U.S.C. § 3583(e)(3); *United States v. Tyson*, 413 F.3d 824, 825 (8th Cir. 2005) (per curiam) (standard of review); *United States v. Thunder*, 553 F.3d 605, 608-09 (8th Cir. 2009). We also find no merit to Lablance’s argument that the district court erred by not awarding credit against his sentence for time served. *See United States v. Pardue*, 363 F.3d 695, 699 (8th Cir. 2004) (although

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

18 U.S.C. § 3585(b) calls for defendant to receive credit for time served, calculation of sentence is left to Bureau of Prisons and not sentencing court).

Accordingly, we affirm the judgment of the district court and grant counsel's motion to withdraw.

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