

United States Court of Appeals
For the Eighth Circuit

No. 22-3576

United States of America

Plaintiff - Appellee

v.

Anthony Davis, also known as Anthony Dawayne Randolph, also known as
Anthony Latice Randolph, also known as John Duke

Defendant - Appellant

Appeal from United States District Court
for the Southern District of Iowa - Eastern

Submitted: March 9, 2023

Filed: March 14, 2023

[Unpublished]

Before BENTON, SHEPHERD, and ERICKSON, Circuit Judges.

PER CURIAM.

Anthony Davis appeals the above-Guidelines sentence the district court¹ imposed upon revoking his supervised release. Having jurisdiction under 28 U.S.C. § 1291, this court affirms.

Davis's counsel has moved for leave to withdraw and has filed a brief under *Anders v. California*, 386 U.S. 738 (1967), arguing that the sentence is substantively unreasonable. This court concludes that the district court did not impose a substantively unreasonable sentence. *See United States v. Miller*, 557 F.3d 910, 915-18 (8th Cir. 2009) (substantive reasonableness of revocation sentence is reviewed under deferential abuse-of-discretion standard); *United States v. Feemster*, 572 F.3d 455, 464 (8th Cir. 2009) (en banc) ("it will be the unusual case when we reverse a district court sentence--whether within, above, or below the applicable Guidelines range--as substantively unreasonable"). The record reflects that the district court adequately considered the 18 U.S.C. § 3553(a) factors. *See United States v. Larison*, 432 F.3d 921, 923 (8th Cir. 2006) (revocation sentence may be unreasonable if court fails to consider relevant factor, gives significant weight to improper or irrelevant factor, or commits clear error of judgment). Additionally, the revocation sentence was within the statutory maximum. *See* 18 U.S.C. §§ 3583(e)(3) (maximum revocation prison term is 5 years if underlying offense is Class A felony), (b)(1) (statutory maximum supervised release term for Class A offense of conviction is 5 years), (h) (length of new supervised-release term shall not exceed term authorized by statute for offense of conviction, less revocation prison terms).

The judgment is affirmed, and counsel's motion to withdraw is granted.

¹The Honorable Stephanie M. Rose, Chief Judge, United States District Court for the Southern District of Iowa.