

United States Court of Appeals  
For the Eighth Circuit

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No. 23-2401

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United States of America

*Plaintiff - Appellee*

v.

Luis Alonso Gomez-Celaya

*Defendant - Appellant*

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Appeal from United States District Court  
for the Eastern District of Missouri - St. Louis

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Submitted: September 29, 2023

Filed: October 5, 2023

[Unpublished]

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Before COLLOTON, GRUENDER, and ERICKSON, Circuit Judges.

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PER CURIAM.

Luis Gomez-Celaya appeals after the district court<sup>1</sup> revoked his supervised release and sentenced him to 6 months in prison and 2 years of supervised release.

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<sup>1</sup>The Honorable Stephen R. Clark, Chief Judge, United States District Court for the Eastern District of Missouri.

His counsel has moved to withdraw, and has filed a brief challenging the revocation sentence.

After careful review of the record, we conclude that the district court did not plainly err by imposing an additional term of supervised release even though Gomez-Celaya might be deported. *See United States v. Hernandez-Loera*, 914 F.3d 621, 622 (8th Cir. 2019) (per curiam) (standard of review; noting that the U.S.S.G. § 5D1.1(c) recommendation against imposing a term of supervised release on a defendant subject to deportation is “hortatory, not mandatory”). We also conclude that the district court did not abuse its discretion in imposing the revocation sentence. *See United States v. Miller*, 557 F.3d 910, 915-18 (8th Cir. 2009) (reviewing the substantive reasonable of a revocation sentence under a deferential abuse-of-discretion standard). Accordingly, we grant counsel’s motion to withdraw and affirm.

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