

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 04-3430

United States of America,

Appellee,

v.

Justin D. Bales, also known as Chad
Harrington,

Appellant.

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

[UNPUBLISHED]

Submitted: July 21, 2005
Filed: July 26, 2005

Before MORRIS SHEPPARD ARNOLD, FAGG, and SMITH, Circuit Judges.

PER CURIAM.

Justin Bales pleaded guilty to being a felon in possession of a firearm, see 18 U.S.C. § 922(g), and was sentenced to 33 months in prison and 3 years supervised release, see 18 U.S.C. §§ 924(a)(2) (10-year maximum prison term), 3559(a)(3) (Class C felony), 3583(b)(2) (3-year maximum supervised release term for Class C felony). The district court¹ later revoked supervised release upon Mr. Bales's admission of a violation, and imposed a new sentence of 10 months imprisonment and

¹The Honorable Nanette K. Laughrey, United States District Judge for the Western District of Missouri.

2 years supervised release, finding that Mr. Bales's youth and criminal history indicated a need for further supervision and community protection. Mr. Bales appeals this sentence.

We note that both the prison term and the supervised release term were within authorized limits, and that the district court considered appropriate factors in imposing the revocation sentence. See 18 U.S.C. §§ 3583(e)(3) (authorizing up to 2 years imprisonment upon revocation of supervised release where original offense was Class C felony), 3583(h) (authorizing new period of supervised release not to exceed maximum term of supervised release for original offense, less any prison time imposed upon revocation of supervised release). We conclude that Mr. Bales's sentence is not unreasonable. See United States v. Tyson, No. 03-4038, 2005 WL 1618785, at *1 (8th Cir. Jul. 12, 2005) (standard of review).

Accordingly, we affirm, and we also grant counsel's motion to withdraw.
