

United States Court of Appeals
For the Eighth Circuit

No. 14-3438

United States of America

Plaintiff - Appellee

v.

Lorenzo Diaz

Defendant - Appellant

Appeal from United States District Court
for the Northern District of Iowa - Cedar Rapids

Submitted: February 24, 2015

Filed: March 2, 2015

[Unpublished]

Before MURPHY, BOWMAN, and SHEPHERD, Circuit Judges.

PER CURIAM.

At a revocation hearing, Lorenzo Diaz admitted that he had committed several Class C violations of his release conditions while he was serving his third period of

supervised release. The District Court¹ revoked supervised release and sentenced Diaz to 14 months in prison and additional supervised release through March 31, 2019. For reversal, Diaz argues that the District Court abused its discretion by improperly balancing the sentencing factors.

After careful review of the record, we conclude that the District Court did not abuse its discretion. See United States v. Miller, 557 F.3d 910, 915–16 (8th Cir. 2009) (standard of review). The court properly calculated and considered the Guidelines revocation range; stated that it had considered relevant factors under 18 U.S.C. § 3553(a), including Diaz’s criminal history, poor adjustment to supervised release, and health issues; and sentenced him within the recommended Guidelines revocation range despite the government’s request for a higher sentence. See 18 U.S.C. § 3583(e); United States v. Petreikis, 551 F.3d 822, 824 (8th Cir. 2009) (applying a presumption of substantive reasonableness to a revocation sentence within the Guidelines range).

Accordingly, we affirm the judgment, and we grant counsel leave to withdraw. We direct counsel to inform appellant about the procedures for filing a petition for rehearing and for certiorari.

¹The Honorable Linda R. Reade, Chief Judge, United States District Court for the Northern District of Iowa.