

United States Court of Appeals
For the Eighth Circuit

No. 25-1807

United States of America

Plaintiff - Appellee

v.

Orin Three Stars

Defendant - Appellant

Appeal from United States District Court
for the District of South Dakota - Western

Submitted: July 30, 2025

Filed: August 12, 2025

[Unpublished]

Before SMITH, BENTON, and KELLY, Circuit Judges.

PER CURIAM.

Orin Three Stars appeals after the district court¹ revoked his supervised release and sentenced him to 5 months in prison and 3 years of supervised release. Having jurisdiction under 28 U.S.C. § 1291, this court affirms.

¹The Honorable Karen E. Schreier, United States District Judge for the District of South Dakota.

Three Stars's counsel has moved for leave to withdraw and has filed a brief challenging the substantive reasonableness of the sentence and a special condition of supervised release. Upon careful review, this court concludes that the district court did not abuse its discretion in imposing the revocation sentence. *See United States v. Valure*, 835 F.3d 789, 790 (8th Cir. 2016) (substantive reasonableness of revocation sentence is reviewed under deferential abuse-of-discretion standard). Additionally, the sentence was within the advisory Guidelines range and below the statutory limits. *See* 18 U.S.C. § 3583(e)(3) (maximum revocation prison term is 5 years if underlying offense is Class A felony); *United States v. Kurkowski*, 281 F.3d 699, 703 (8th Cir. 2002) (21 U.S.C. § 841 permits supervised release term up to life); *see also United States v. Perkins*, 526 F.3d 1107, 1110 (8th Cir. 2008) (revocation sentence within Guidelines range is accorded presumption of reasonableness on appeal). Further, Three Stars failed to preserve his challenge to the special condition because he agreed to the condition at the revocation hearing. *See United States v. Swehla*, 83 F.4th 678, 681-82 (8th Cir. 2023) (by failing to accept court's invitation to object to special condition, defendant failed to preserve issue for appeal).

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