NONPRECEDENTIAL DISPOSITION
To be cited only in accordance with FED. R. APP. P. 32.1

United States Court of Appeals

For the Seventh Circuit
Chicago, Illinois 60604

Submitted July 9, 2025
Decided July 9, 2025

Before

MICHAEL B. BRENNAN, *Circuit Judge*

THOMAS L. KIRSCH II, *Circuit Judge*

JOHN Z. LEE, *Circuit Judge*

No. 24-1814

UNITED STATES OF AMERICA,
Plaintiff-Appellee,

v.

MATTHEW BURTON,
Defendant-Appellant.

Appeal from the United States District Court for the Northern District of Illinois, Eastern Division.

No. 1:23-CR-00478(1)

Nancy L. Maldonado,
Judge.

O R D E R

Matthew Burton appeals the sentence imposed upon the revocation of his supervised release, but his appointed counsel asserts that the appeal is frivolous and moves to withdraw. *See Anders v. California*, 386 U.S. 738, 744 (1967). A defendant who appeals a revocation order does not have an unqualified constitutional right to counsel, *see Gagnon v. Scarpelli*, 411 U.S. 778, 788–90 (1973), so the *Anders* safeguards need not govern our review. Even so, our practice is to apply them. *See United States v. Durham*, 922 F.3d 845, 847 (7th Cir. 2019). Counsel's brief explains the nature of the case and

addresses the issues that an appeal of this kind would be expected to involve. Because counsel's analysis appears thorough, and Burton did not respond to the motion, *see* CIR. R. 51(b), we limit our review to the subjects that counsel discusses. *See United States v. Bey*, 748 F.3d 774, 776 (7th Cir. 2014).

Burton pleaded guilty in 2022 to possessing a firearm as a felon, *see* 18 U.S.C. § 922(g)(1), and was sentenced to 24 months in prison and 24 months of supervised release. He served his prison term.

Three months into Burton's term of supervised release, his probation officer petitioned for revocation because Burton had been arrested for a firearm offense. At the revocation hearing, Burton admitted that he had possessed a gun. The district court revoked his supervised release and sentenced him to eight months in prison and two additional years of supervised release.

In the *Anders* brief, counsel reports that Burton did not respond to her attempts to communicate with him about this appeal. Unsure if Burton wishes to challenge the admission on which his revocation was based, counsel considers whether he could raise a nonfrivolous challenge to the voluntariness of his admission or to the revocation decision. *See United States v. Wheeler*, 814 F.3d 856, 857 (7th Cir. 2016). But counsel correctly concludes that any challenge would be frivolous because the district court provided Burton with the necessary procedural safeguards—written notice of the alleged violation; disclosure of the evidence against him; representation by counsel; and the opportunity for allocution. *See* FED. R. CRIM. P. 32.1(b)(2); *United States v. Jones*, 774 F.3d 399, 403 (7th Cir. 2014).

Counsel next considers whether Burton could raise any nonfrivolous procedural challenges to his sentence and rightly concludes that he could not. Revocation was mandatory because Burton admitted to gun possession—a violation of one of the conditions of his release. *See* 18 U.S.C. § 3583(g)(2); *United States v. Dawson*, 980 F.3d 1156, 1161 (7th Cir. 2020). The court appropriately calculated his policy-statement range at 8 to 14 months' reimprisonment based on his grade B violation, *see* U.S.S.G. § 7B1.1(a)(2); 28 U.S.C. § 922(g), and his category III criminal history from his original sentencing, *see* U.S.S.G. § 7B1.4. His eight-month sentence was within the policy-statement range and did not exceed the two-year statutory maximum based on Burton's original class C conviction. *See* 18 U.S.C. § 3583(e)(3).

Counsel also considers challenging the substantive reasonableness of Burton's prison term but correctly concludes that any challenge would be frivolous. Burton's

sentence was at the bottom of his policy statement range and is therefore presumed to be reasonable. *See Jones*, 774 F.3d at 404. The district court adequately addressed the § 3553(a) factors, highlighting the seriousness of the violation (possessing a loaded firearm) and the need for deterrence (based on his gun possession and drug use while on supervised release).

Finally, counsel appropriately concludes that any challenge to Burton's additional two-year term of supervised release or its conditions would be frivolous. The court appropriately exercised its discretion by imposing additional supervised release to allow Burton to use mental health and employment resources. Further, Burton waived any challenge to the conditions of supervised release when he confirmed at sentencing that he had no objection to them. *See United States v. Gibbs*, 130 F.4th 619, 622 (7th Cir. 2025).

We therefore GRANT counsel's motion to withdraw and DISMISS the appeal.