

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 01-50294
Summary Calendar

UNITED STATES OF AMERICA

Plaintiff - Appellee

v.

ALLAN HAWLEY

Defendant - Appellant

Appeal from the United States District Court
for the Western District of Texas
USDC No. A-93-CR-62-ALL

October 1, 2001

Before KING, Chief Judge, and DAVIS and JONES, Circuit Judges.

PER CURIAM:*

Allan Hawley appeals the sentence imposed as a result of the revocation of his supervised release. As there is no applicable guideline, we will uphold a sentence for a revocation of supervised release unless it is in violation of law or plainly unreasonable. See United States v. Giddings, 37 F.3d 1091, 1093 (5th Cir. 1994).

The 36-month sentence does not exceed the maximum authorized sentence under 18 U.S.C. § 3583(e)(3). Contrary to Hawley's assertions, the entire record indicates that the district court

* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

did consider the relevant sentencing factors in determining the sentence for revocation of Hawley's supervised release, notwithstanding that the district court also considered that Hawley had breached the trust placed in him by the Government. The sentence is not plainly unreasonable. See United States v. Gonzalez, 250 F.3d 923, 925, 930 (5th Cir. 2001). The sentence is AFFIRMED.

Without opposition, the Government seeks to have the appellee's brief and appellant's reply brief sealed because they refer to matters contained in sealed portions of the record. Good cause having been shown for the request, the motion is GRANTED.

AFFIRMED; MOTION GRANTED.