

June 24, 2003

Charles R. Fulbruge III  
Clerk

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 02-31050  
Conference Calendar

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UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

ROBERT KENNEDY,

Defendant-Appellant.

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Appeal from the United States District Court  
for the Eastern District of Louisiana  
USDC No. 94-CR-305-1-T  
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Before DeMOSS, DENNIS, and PRADO, Circuit Judges.

PER CURIAM:\*

Robert Kennedy appeals his 24-month sentence imposed upon revocation of his supervised release following his guilty-plea conviction for conspiracy to distribute dilaudid. Kennedy argues that the district court impermissibly relied upon his status as a drug addict in imposing the statutory maximum sentence of two years' imprisonment. Kennedy did not object timely to the sentence that was imposed; in the absence of such an objection,

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

this court's review is for plain error only. See United States v. Gonzalez, 250 F.3d 923, 930 (5th Cir. 2001).

Kennedy's argument that his sentence was based solely on his status as a drug addict is not supported by the record. The sentence imposed punished Kennedy for violating the terms of his supervised release, not for his history of drug addiction. See United States v. Pena, 125 F.3d 285, 287-88 (5th Cir. 1997). The judgment of the district court is AFFIRMED.