

April 21, 2004

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 03-40331
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

JESUS PENA, JR.,

Defendant-Appellant.

Appeal from the United States District Court
for the Southern District of Texas
USDC No. C-98-CR-3-1

Before JOLLY, JONES, and SMITH, Circuit Judges.

PER CURIAM:*

Jesus Pena, Jr., has appealed the district court's judgment revoking his supervised release and imposing a 36-month term of imprisonment. The district court did not abuse its discretion in ordering that the sentence be served consecutively to a term of imprisonment imposed in cause number C-02-292 for the law violation which resulted in the revocation of his supervised release. See United States v. Alexander, 100 F.3d 24, 27 (5th Cir. 1996); see also U.S.S.G. § 5G1.3(c), p.s., & comment. (n.6)

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

(2002); U.S.S.G. § 7B1.3(f), p.s. (2002). The statutory maximum 36-month sentence was not in violation of law and was not plainly unreasonable. See United States v. Stiefel, 207 F.3d 256, 259 (5th Cir. 2000) (standard of review).

AFFIRMED.