

December 16, 2004

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 04-50238
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

JASON HERNANDEZ,

Defendant-Appellant.

Appeal from the United States District Court
for the Western District of Texas
USDC No. SA-96-CR-325-2

Before KING, Chief Judge, and DeMOSS and CLEMENT, Circuit Judges.

PER CURIAM:*

In 1997, Jason Hernandez pleaded guilty of conspiring to distribute cocaine and of possessing cocaine with the intent to distribute it. He was sentenced to two concurrent 77-month terms of imprisonment, to be followed by two concurrent three-year terms of supervised release. Hernandez now appeals the two consecutive two-year terms of imprisonment imposed upon the revocation of his terms of supervised release.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

For the first time on appeal, Hernandez argues that the district court erred in ordering that his revocation sentence run consecutively to any subsequent sentences that Hernandez might receive arising out of a state prosecution for intoxication assault or due to perjury charges filed as a result of his testimony at the revocation hearing. Hernandez has cited no relevant authority to support his argument as required by the Federal Rules of Appellate Procedure. See FED. R. APP. P. 28(a)(9)(A). He has not shown that the district court committed plain error in imposing his sentence. See United States v. Olano, 507 U.S. 725, 732-35 (1993); United States v. Calverley, 37 F.3d 160, 162 (5th Cir. 1994) (en banc). The judgment of the district court is AFFIRMED.