

October 24, 2006

Charles R. Fulbruge III  
Clerk

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 05-10753  
Conference Calendar

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UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

ALBERT HENSON, JR.,

Defendant-Appellant.

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Appeal from the United States District Court  
for the Northern District of Texas  
USDC No. 4:00-CR-62-ALL  
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Before JOLLY, DeMOSS, and STEWART, Circuit Judges.

PER CURIAM:\*

Albert Henson, Jr., pleaded guilty to bank fraud and now appeals the sentence imposed following the revocation of his supervised release. Henson argues that the district court's imposition of the statutory maximum term of imprisonment was erroneous because it exceeded the advisory policy range set forth in U.S.S.G. § 7B1.3(a)(2).

We need not decide whether the "plainly unreasonable" standard continues to apply to sentences imposed upon revocation

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

of supervised release or whether, post-Booker,\*\* the "unreasonableness" standard governs, or even if there is a difference between the two standards; Henson's sentence passes muster under either and was not imposed in violation of law. See United States v. Hinson, 429 F.3d 114, 120 (5th Cir. 2005), cert. denied, 126 S. Ct. 1804 (2006).

AFFIRMED.

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\*\* United States v. Booker, 543 U.S. 220 (2005).