

May 4, 2006

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 05-10788
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

ANDRE BERNARD DAVIS,

Defendant-Appellant.

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 4:02-CR-77-ALL

Before BARKSDALE, STEWART, and CLEMENT, Circuit Judges.

PER CURIAM:*

Andre Bernard Davis appeals the sentence of 12 months imposed following the revocation of his supervised release. Davis's sentence, which did not exceed the advisory range set forth in U.S.S.G. § 7B1.4, was not imposed in violation of law and was neither unreasonable nor plainly unreasonable under the facts of this case. See United States v. Hinson, 429 F.3d 114, 119-20 (5th Cir. 2005), cert. denied, ___ U.S. ___, (No. 05-9633), 2006 WL 622263 (Apr. 17, 2006).

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

We review Davis's contention that the district court erred by failing to consider the factors set forth in 18 U.S.C. § 3553(a) for plain error. See United States v. Gonzalez, 250 F.3d 923, 930 (5th Cir. 2001). The district court stated on the record that a 12-month sentence was necessary for punishment and deterrence, and the sentence was not unlawful. Accordingly, there is no reversible plain error. See id. at 931.

For the foregoing reasons, the judgment of the district court is AFFIRMED.