

**IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT**

---

No. 12-11263  
Summary Calendar

---

United States Court of Appeals  
Fifth Circuit

**FILED**

March 11, 2014

Lyle W. Cayce  
Clerk

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

GEORGE BRENT CHIVERS,

Defendant-Appellant

---

Appeals from the United States District Court  
for the Northern District of Texas  
USDC No. 3:10-CR-35-3

---

Before JOLLY, DeMOSS, and ELROD, Circuit Judges.

PER CURIAM:\*

George Brent Chivers appeals the 57-month sentence imposed on remand from this court. Chivers, who was convicted of one count of conspiracy to commit mail fraud and two counts of aiding and abetting mail fraud, contends that his above-guidelines sentence is procedurally unreasonable because the district court failed to explain the sentence adequately. He also

---

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

No. 12-11263

argues that the sentence violates his due process rights because it resulted from judicial vindictiveness.

Chivers has failed to demonstrate that the district court plainly erred by failing to explain the sentence adequately. When imposing the 57-month sentence, the district court stated that it considered the 18 U.S.C. § 3553(a) factors, his history of violence against women, and his behavior at the resentencing hearing. *See United States v. Key*, 599 F.3d 469, 474-75 (5th Cir. 2010). He has also failed to demonstrate that the sentence resulted from judicial vindictiveness; the sentence received on resentencing was not harsher than the sentence received at sentencing. *See United States v. Moore*, 997 F.2d 30, 37-38 (5th Cir. 1993). Accordingly, the district court's judgment is AFFIRMED.