

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 97-41143  
Conference Calendar

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UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

MARIANO GARZA-GARZA,

Defendant-Appellant.

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Appeal from the United States District Court  
for the Southern District of Texas  
USDC No. C-90-CR-88-3  
- - - - -

June 17, 1998

Before DAVIS, PARKER, and DENNIS, Circuit Judges.

PER CURIAM:\*

Appellant Mariano Garza-Garza (Garza) appeals the 24-month sentence he received following the revocation of his supervised release. For the first time on appeal, Garza argues that district court erred in failing to consider U.S. Sentencing Guidelines Chapter 7 policy statements before imposing his sentence. Inasmuch as the district court had before it a sentencing options worksheet outlining the appropriate guidelines section and it was acting within its discretion when imposing

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

Garza's sentence, the district court did not commit plain error when it did not articulate the reasons for not following the U.S. Sentencing Guidelines Chapter 7 policy statements. See United States v. Ayers, 946 F.2d 1127, 1131 (5th Cir. 1991); see also 18 U.S.C. § 3583(e)(3).

AFFIRMED.