

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 02-30641  
Conference Calendar

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UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

BERNIE PORCHE,

Defendant-Appellant.

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Appeal from the United States District Court  
for the Eastern District of Louisiana  
USDC No. 98-CR-20-ALL-L  
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December 11, 2002

Before JOLLY, DAVIS, and JONES, Circuit Judges.

PER CURIAM:\*

Bernie Porche appeals the sentence imposed following the revocation of his supervised release. He argues that the district court sentenced him to a sentence consecutive to a previously imposed sentence based on its misapprehension that it had no discretion to do otherwise under the applicable law.

The policy statements in Chapter 7 of the Sentencing Guidelines are merely advisory. See United States v. Escamilla,

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

70 F.3d 835, 835 (5th Cir. 1995). However, this court has considered those policy statements in conjunction with U.S.S.G. § 5G1.3 and its commentary and has determined that a sentence imposed following the revocation of supervised release must be served consecutively to any sentence that the defendant is serving. See United States v. Alexander, 100 F.3d 24, 25-27 (5th Cir. 1996).

The district court did not misapprehend the applicable law in imposing a consecutive sentence. The sentence imposed is  
AFFIRMED.