

August 15, 2006

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 05-20225
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

ADALBERTO RIVERA,

Defendant-Appellant.

Appeal from the United States District Court
for the Southern District of Texas
No. 4:02-CR-629-ALL

Before SMITH, WIENER, and OWEN, Circuit Judges.

PER CURIAM:*

Adalberto Rivera was convicted of conspiracy to possess with intent to distribute more than fifty grams of crack cocaine; he was sentenced to 135 months of imprisonment and a ten-year term of supervised release. He appeals the two-year term of imprisonment imposed following the revocation of his supervised release.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

Although that two-year term exceeded the sentencing range indicated by the policy statements in chapter 7 of the United States Sentencing Guidelines, it did not exceed the statutory maximum term of imprisonment the district court could have imposed. See 18 U.S.C. § 3583(e)(3). Accordingly, Rivera's revocation sentence was neither "unreasonable" nor "plainly unreasonable." See United States v. Hinson, 429 F.3d 114, 120 (5th Cir. 2005), cert. denied, 126 S. Ct. 1804 (2006). Rivera has not shown error.

AFFIRMED.