

August 28, 2006

Charles R. Fulbruge III  
Clerk

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

---

No. 05-20480  
Conference Calendar

---

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

TED SAVALA,

Defendant-Appellant.

-----  
Appeal from the United States District Court  
for the Southern District of Texas  
USDC No. 4:98-CR-3-5  
-----

Before DAVIS, SMITH, and WIENER, Circuit Judges.

PER CURIAM:\*

In 2000, Ted Savala was convicted pursuant to a guilty plea of conspiring to commit arson. He was sentenced to five years of probation. Savala's probation was subsequently revoked, and Savala was sentenced to serve nine months of imprisonment and three years of supervised release. Savala now appeals the two-year term of imprisonment imposed following the revocation of his supervised release. Savala argues that the district court reversibly erred in imposing his revocation sentence because the

---

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

circumstances of his case do not warrant the statutory maximum two-year term of imprisonment imposed in his case.

Although the two-year term of imprisonment imposed upon revocation of Savala's supervised release exceeded the sentencing range indicated by the policy statements in Chapter Seven of the United States Sentencing Guidelines, it did not exceed the statutory maximum term of imprisonment that the district court could have imposed. See 18 U.S.C. § 3583(e)(3). Accordingly, Savala'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). Savala has not shown error.

AFFIRMED.