

FILED

June 22, 2006

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS

FOR THE FIFTH CIRCUIT

No. 05-30708
Summary Calendar

UNITED STATES OF AMERICA

Plaintiff-Appellee

versus

TIMOTHY WAYNE ALBERT

Defendant - Appellant

Appeal from the United States District Court for
the Eastern District of Louisiana
(USDC No. 2:99-CR-257-3)

Before REAVLEY, DAVIS, and PRADO, Circuit Judges.

PER CURIAM:*

Albert appeals the revocation of his supervised release and the thirty-six month sentence subsequently imposed. We review for abuse of discretion and affirm for the following reason.

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 R. 47.5, the Court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

“[T]his court will uphold a sentence unless it is in violation of the law or plainly unreasonable.” *United States v. Gonzalez*, 250 F.3d 923, 925 (5th Cir. 2001) (internal citations omitted). To revoke a term of supervised release, a district court must find by a preponderance of the evidence that the defendant violated a condition of his release. 18 U.S.C. § 3583(e)(3). As a Class B felon, Albert was susceptible to three years imprisonment for violating the conditions of his supervised release. *Id.* The preponderance standard was easily satisfied because Albert stipulated to the Grade C supervised release violations. In light of Albert’s lengthy criminal history, this sentence is not plainly unreasonable.

AFFIRMED.