

January 3, 2007

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 06-20053
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellant,

versus

JOHN LEE WALLEY, JR.,

Defendant-Appellee.

Appeal from the United States District Court
for the Southern District of Texas
USDC No. 4:99-CR-200-2

Before JONES, Chief Judge, and KING and DAVIS, Circuit Judges.

PER CURIAM:*

John Lee Walley, Jr., federal prisoner # 83822-079, appeals the district court's revocation of his supervised release and imposition of a 24-month term of imprisonment. See 18 U.S.C. § 3583(g). Walley argues that the district court erred in not imposing substance-abuse treatment pursuant to 18 U.S.C. § 3583(d) in lieu of incarceration. In sentencing Walley, the district court considered his previous failed attempt to participate in drug treatment. Walley committed several violations of the conditions of his supervised release in addition to failing a drug test, which

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

renders him ineligible for discretionary relief. See 18 U.S.C. § 3583(d).

Walley has not argued that the length of his sentence is either unreasonable or plainly unreasonable. See United States v. Hinson, 429 F.3d 114, 120 (5th Cir. 2005), cert. denied, 126 S. Ct. 1804 (2006). Accordingly, there was no error in the district court's revocation of supervised release and imposition of a 24 month term of imprisonment.

AFFIRMED.