

FILED

September 26, 2007

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 07-10266
Summary Calendar

UNITED STATES OF AMERICA

Plaintiff-Appellee

v.

DENNIS RAY BILLS

Defendant-Appellant

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 2:00-CR-20-1

Before JOLLY, DENNIS, and PRADO, Circuit Judges.

PER CURIAM:*

Dennis Ray Bills appeals the revocation of his supervised release from his conspiracy conviction and the resulting 11-month sentence of imprisonment and 25-month term of supervised release. Bills argues that the district court abused its discretion in revoking his supervised release because the Government did not show by a preponderance of the evidence that he violated a condition of 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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.

Bills also contends that his sentence of imprisonment and supervised release is unreasonable.

The Government presented evidence that Bills did not timely attend assessment interviews for the Batterer's Intervention Program, a condition of his supervised release, and that he was rejected from the program, in part, because of his attitude. Thus, the Government showed that Bills violated a condition of supervised release, and the district court did not abuse its discretion. See *United States v. McCormick*, 54 F.3d 214, 219 (5th Cir. 1995).

The policy statements in the Sentencing Guidelines recommend a prison term of between 8 and 14 months based on Bills's Grade C violation and his criminal history category of VI. See U.S.S.G. § 7B1.4(a). Because Bills was originally convicted of a Class D felony, the district court was authorized to sentence him to 25 months of supervised release following his 11-month prison sentence received upon revocation. See 18 U.S.C. §§ 371, 513(a), 3559(a), 3583(b)(2). Bills's sentence was within the recommended range and is neither unreasonable nor plainly unreasonable. See *United States v. Hinson*, 429 F.3d 114, 120 (5th Cir. 2005).

Accordingly, the judgment of the district court is AFFIRMED.