

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

United States Court of Appeals
Fifth Circuit

FILED

June 19, 2008

No. 07-10911
Conference Calendar

Charles R. Fulbruge III
Clerk

UNITED STATES OF AMERICA

Plaintiff-Appellee

v.

JIMMIE LOUIS ELLISON

Defendant-Appellant

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 4:00-CR-141-ALL

Before JONES, Chief Judge, and JOLLY and DENNIS, Circuit Judges.

PER CURIAM:*

Jimmie Louis Ellison appeals the 23-month sentence of imprisonment he received upon revocation of his supervised release. He asserts that his sentence is in violation of the principles announced in *United States v. Booker*, [543 U.S. 220](#) (2005), *Blakely v. Washington*, 542 U.S. 296 (2004), and *Apprendi v. New Jersey*, 530 U.S. 466 (2000), because in revoking his supervised release, the district court is permitted to increase the maximum sentence beyond 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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.

maximum supported by a jury verdict or admitted by a defendant. Ellison acknowledges that this argument is foreclosed by *United States v. Hinson*, 429 F.3d 114 (5th Cir. 2005).

Accordingly, we AFFIRM the district court's judgment.