

**IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT**

United States Court of Appeals  
Fifth Circuit

**FILED**

December 1, 2009

Charles R. Fulbruge III  
Clerk

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No. 09-50276  
Summary Calendar

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UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

ROBERTO LOPEZ-GARCIA, also known as Robert Lopez,

Defendant-Appellant

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Appeal from the United States District Court  
for the Western District of Texas  
USDC No. 5:02-CR-624-1

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Before JOLLY, WIENER, and ELROD, Circuit Judges.

PER CURIAM:\*

Defendant-Appellant Roberto Lopez-Garcia appeals the 24-month sentence he received following the revocation of his supervised release. Lopez-Garcia contends that his sentence, which exceeded the applicable guidelines range of 12 to 18 months, is greater than necessary to achieve Congress's sentencing goals because it overstates the severity of his violation.

We disagree. The sentence imposed falls within the two-year statutory maximum authorized on revocation, and Lopez-Garcia has identified no evidence

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

to support his claim that the sentence is unreasonable or plainly unreasonable. *See United States v. Hinson*, 429 F.3d 114, 120 (5th Cir. 2005); *see also* 8 U.S.C. § 1326(a), (b)(2), 3559(a)(2), 3583(e)(3).

AFFIRMED.