

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

United States Court of Appeals
Fifth Circuit

FILED

March 30, 2011

Lyle W. Cayce
Clerk

No. 10-10677
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff - Appellee

v.

TOMMY D. ALCORN,

Defendant - Appellant

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 5:06-CR-4-1

Before DAVIS, SMITH, and SOUTHWICK, Circuit Judges.

PER CURIAM:*

Tommy D. Alcorn appeals the 24-month sentence he received after his supervised release was revoked. The sentence was the statutory maximum that Alcorn could receive and was within the Guidelines policy statement range of imprisonment that he faced. Alcorn argues that the district court procedurally erred when it sentenced him because the court's stated reasons for his sentence did not address Alcorn's non-frivolous reasons for imposing a sentence below the Guidelines policy statement range of imprisonment.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

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Because Alcorn objected only generally to the procedural reasonableness of the sentence, his sentence is reviewed for plain error. *See United States v. Mondragon-Santiago*, 564 F.3d 357, 361 (5th Cir. 2009). To show plain error, Alcorn must show a forfeited error that is clear or obvious and affects his substantial rights. *See Puckett v. United States*, 129 S. Ct. 1423, 1429 (2009). Even if such a showing is made, this court has the discretion to correct the error, but only if it “seriously affect[s] the fairness, integrity or public reputation of judicial proceedings.” *Id.* (quotation marks and citation omitted). Because Alcorn does not argue that an adequate explanation by the district court would have changed his sentence, he has failed to show that the error, if any, affected his substantial rights. *See Mondragon-Santiago*, 564 F.3d at 365. Therefore, he has not shown plain error. *Id.*

AFFIRMED.