

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

No. 17-11255
Summary Calendar

United States Court of Appeals
Fifth Circuit
FILED
September 12, 2018

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

XIAO CHEN LIN,

Defendant-Appellant

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 3:16-CR-236-1

Before KING, SOUTHWICK, and ENGELHARDT, Circuit Judges.

PER CURIAM:*

Xiao Chen Lin has appealed the term of imprisonment imposed upon revocation of his supervised release. He contends that the district court erred by imposing a single revocation sentence when there were two underlying counts of conviction and two underlying periods of supervised release. Our review is for plain error. *See United States v. Whitelaw*, 580 F.3d 256, 259 (5th Cir. 2009). Because the revocation sentence did not exceed the maximum

* 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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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sentence available for either count, the district court did not commit a clear or obvious error. *See Clark v. United States*, 367 F.2d 378, 380 (5th Cir. 1966); *see also Whitelaw*, 580 F.3d at 260. The judgment is AFFIRMED.