

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

No. 17-60445
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

January 19, 2018

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

JODY RON SOLOMON,

Defendant-Appellant

Appeal from the United States District Court
for the Southern District of Mississippi
USDC No. 4:07-CR-13-1

Before KING, ELROD, and HIGGINSON, Circuit Judges.

PER CURIAM:*

Jody Ron Solomon appeals the 11-month within-guidelines sentence imposed by the district court following its revocation of his prior three-year term of supervised release. Solomon challenges the substantive reasonableness of his sentence, arguing that the probation officer “failed to perform his obligations in this case.” He asserts that “[r]ather than fulfilling his responsibility to help rehabilitate [him],” the probation officer

* 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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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“prematurely moved to revoke his supervised release.” Solomon also takes issue with the district court’s reliance on a letter from the probation officer stating that he was “essentially unmanageable,’ even though he had been on supervised release for only about a month.”

The record reflects that the district court was aware of the factors Solomon believed merited a non-revocation sentence. However, after “carefully consider[ing]” the advisory policy statement set forth in U.S.S.G. § 7B1.4(a), p.s. and the “appropriate factors to be considered in imposing a sentence” under 18 U.S.C. §§ 3553(a) and 3583(e)(3), the district court concluded that an 11-month term of imprisonment was appropriate. Solomon’s arguments are nothing more than a disagreement with the district court’s weighing of the applicable § 3553(a) factors, which is insufficient to rebut the presumption of reasonableness attached to his within-guidelines revocation sentence. *See United States v. Alvarado*, 691 F.3d 592, 597 (5th Cir. 2012); *United States v. Lopez-Velasquez*, 526 F.3d 804, 808-09 (5th Cir. 2008).

Accordingly, the judgment of the district court is AFFIRMED.