

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

No. 19-10310
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

December 4, 2019

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

CHRISTOPHER SANCHEZ,

Defendant-Appellant

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 1:07-CR-36-1

Before SMITH, DENNIS, and DUNCAN, Circuit Judges.

PER CURIAM:*

Christopher Sanchez appeals the sentence imposed upon revocation of his supervised release. The district court varied upward from the advisory range and sentenced Sanchez to 18 months of imprisonment and 18 months of supervised release. Sanchez contends that the district court committed procedural error by failing to provide an adequate explanation for the chosen sentence.

* 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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 Sanchez did not preserve this claim of procedural error for appeal by first raising it in the district court, plain error review applies. *See United States v. Whitelaw*, 580 F.3d 256, 259, 261-62 (5th Cir. 2009). Sanchez acknowledges that plain error review applies under our precedent, but he wishes to preserve for further review the argument that an objection to the adequacy of the explanation of the sentence is not required to preserve the error.

The record reflects that the district court implicitly considered Sanchez's arguments for a lesser sentence and expressly stated that the chosen sentence addressed "the issues of adequate deterrence and protection of the public." In the context of Sanchez's case, the district court's stated reasons are sufficient to show that it considered the arguments presented and had a reasoned basis for imposing an above-range sentence. *See id.* at 261. Sanchez has not shown clear or obvious error.

AFFIRMED.