

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

United States Court of Appeals
Fifth Circuit

FILED

September 10, 2020

Lyle W. Cayce
Clerk

No. 19-60814
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

GREGORY MCCLUNG,

Defendant-Appellant

Appeal from the United States District Court
for the Northern District of Mississippi
USDC No. 4:13-CR-106-7

Before WIENER, SOUTHWICK, and OLDHAM, *Circuit Judges*.

PER CURIAM:*

Gregory McClung was serving a term of supervised release following his conviction for aiding and abetting education loan fraud. The district court found that he violated the conditions of release and sentenced him to a prison term of five months. McClung argues that the five-month revocation sentence is substantively unreasonable.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

No. 19-60814

According to McClung, by ordering a prison term, the district court effectively terminated his employment and prevented him from continuing to make restitution payments. But the district court considered McClung's argument for a sentence other than imprisonment and his argument that his employment enabled him to make restitution payments. The court nevertheless concluded that a prison term was warranted, citing McClung's history of noncompliance with supervision. The five-month sentence was within the advisory range and is therefore presumed reasonable. *See United States v. Badgett*, 957 F.3d 536, 541 (5th Cir. 2020). McClung has not shown that the district court, when imposing the sentence, failed to consider a significant factor, considered an improper factor, or made a clear error of judgment in balancing the relevant factors. *See United States v. Warren*, 720 F.3d 321, 332 (5th Cir. 2013). Accordingly, McClung has not shown that the district court abused its discretion by imposing a substantively unreasonable sentence. *See id.*

AFFIRMED.