

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

---

No. 98-50190  
Conference Calendar

---

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

BYRON KEITH MOORE,

Defendant-Appellant.

- - - - -  
Appeal from the United States District Court  
for the Western District of Texas  
USDC No. W-91-CR-47-1  
- - - - -

October 21, 1998

Before POLITZ, Chief Judge, and WIENER and DENNIS, Circuit Judges.

PER CURIAM:\*

Byron Keith Moore appeals his sentence of 21 months' imprisonment following the revocation of his supervised release, which was originally part of his sentence for distribution of cocaine base. Moore argues that the sentence was plainly unreasonable because the district court should not have considered two of the violations alleged by the probation officer given that Moore had already served 13 months in state prison for the conduct described in the two violations.

---

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

We will affirm a sentence following the revocation of supervised release unless it was in violation of law or was plainly unreasonable. United States v. Mathena, 23 F.3d 87, 89 (5th Cir. 1994). Moore committed repeated violations of his supervised release, and his 21-month-imprisonment sentence is within the statutory range. See 21 U.S.C. § 841(b)(1)(C); 18 U.S.C. §§ 3553(a), 3583(e)(3). Moore's sentence was not plainly unreasonable. See Mathena, 23 F.3d at 94.

AFFIRMED.