

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 00-11135  
Summary Calendar

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UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

CHARLES N. JACKSON,

Defendant-Appellant.

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Appeal from the United States District Court  
for the Northern District of Texas  
USDC No. 4:96-CR-124-1-A  
- - - - -

August 6, 2001

Before JOLLY, DeMOSS, and PARKER, Circuit Judges.

PER CURIAM:\*

Charles N. Jackson appeals the 23-month term of imprisonment imposed upon revocation of his supervised release. He argues that the sentence is plainly unreasonable because, in light of his original sentence of only 19 months\*\*, and his successful participation in his current drug rehabilitation program, the district court should not have departed upward from the guideline range of 12 to 18 months.

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\* Pursuant to 5<sup>TH</sup> 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5<sup>TH</sup> CIR. R. 47.5.4.

\*\* The judgment of conviction indicates a sentence of 18 months' imprisonment.

This court will uphold a sentence unless it (1) was imposed in violation of law, (2) resulted from an incorrect application of the guidelines, (3) was outside the guideline range and is unreasonable, or (4) was imposed for an offense for which there is no applicable sentencing guideline and is plainly unreasonable. United States v. Giddings, 37 F.3d 1091, 1093 (5<sup>th</sup> Cir. 1994). Contrary to Jackson's assertion, there is no applicable guideline for sentencing after revocation of supervised release, and this court will uphold Jackson's sentence unless it is in violation of law or is plainly unreasonable. Id.; United States v. Pena, 125 F.3d 285, 287 (5<sup>th</sup> Cir. 1997). The statutory maximum term of imprisonment upon revocation of Jackson's supervised release was two years. 18 U.S.C. §§ 2113(b), 3559(a)(3), 3583(g)(1), (e)(3).

Jackson's case is not materially distinguishable from Giddings and Pena, and it is within the statutory range of imprisonment. Jackson has failed to demonstrate that his 23-months sentence is plainly unreasonable.

AFFIRMED.