

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

United States Court of Appeals
Fifth Circuit

FILED

April 8, 2011

Lyle W. Cayce
Clerk

No. 10-30680
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff - Appellee

v.

TYRONE JONES,

Defendant - Appellant

Appeal from the United States District Court
for the Eastern District of Louisiana
USDC No. 2:02-CR-299-1

Before DAVIS, SMITH, and SOUTHWICK, Circuit Judges.

PER CURIAM:*

Tyrone Jones appeals the sentence imposed following the revocation of his supervised release subsequent to his convictions for felon in possession of a firearm and possession of a firearm while being subject to a protective order. Jones argues that his 24-month sentence, which was above the recommended guidelines range, was unreasonable given that his violations were only Grade C violations. Jones did not object to his sentence in the district court. Accordingly, we review his appeal for plain error only. *See United States v. Whitelaw*, 580

* 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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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F.3d 256, 259-60 (5th Cir. 2009); *see also Puckett v. United States*, 129 S. Ct. 1423, 1429 (2009).

Because the 24-month sentence Jones received on revocation was not greater than the term authorized by statute, it is “clearly legal.” *United States v. Pena*, 125 F.3d 285, 288 (5th Cir. 1997). Additionally, this court has routinely upheld sentences on revocation greater than the advisory policy range but within the statutory maximum. *See United States v. Jones*, 182 F. App’x 343, 344 (5th Cir. 2006) (per curiam); *United States v. Milligan*, 353 F. App’x 954 (5th Cir. 2009). Thus, there is no plain error with regard to Jones’s 24-month sentence. *See Puckett*, 129 S. Ct. at 1429. Accordingly, the judgment of the district court is AFFIRMED.