

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

United States Court of Appeals  
Fifth Circuit

**FILED**

April 5, 2011

Lyle W. Cayce  
Clerk

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No. 10-50734  
Summary Calendar

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UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

ROBERT LEE MORELAND,

Defendant-Appellant

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Appeal from the United States District Court  
for the Western District of Texas  
USDC No. 1:03-CR-209-1

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Before JOLLY, GARZA and STEWART, Circuit Judges.

PER CURIAM:\*

Robert Lee Moreland appeals the sentence imposed following the revocation of his supervised release subsequent to his convictions for possession with intent to distribute a controlled substance. Moreland argues that his 24-month sentence, which was outside of the recommended guidelines range, was unreasonable. Moreland did not object to his sentence. Accordingly, we review his appeal for plain error only. *See United States v. Whitelaw*, 580 F.3d 256, 259-60 (5th Cir. 2009); *see also Puckett v. United States*, 129 S. Ct. 1423, 1429 (2009).

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\* 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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 the 24-month sentence Moreland received on revocation was less than the term authorized by statute, it is “clearly legal.” *United States v. Pena*, 125 F.3d 285, 288 (5th Cir. 1997). Moreover, this court has “routinely upheld release revocation sentences in excess of the advisory range but within the statutory maximum” as satisfying both the plainly unreasonable and unreasonableness standards. *United States v. Jones*, 182 F. App’x 343, 344 (5th Cir. 2006) (per curiam); see *United States v. McKinney*, 520 F.3d 425, 428 (5th Cir. 2008).

AFFIRMED.