

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

United States Court of Appeals
Fifth Circuit

FILED

February 9, 2012

Lyle W. Cayce
Clerk

No. 11-10715
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

TRENTON DON WILSON,

Defendant-Appellant

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 2:08-CR-37-2

Before WIENER, GARZA, and CLEMENT, Circuit Judges.

PER CURIAM:*

Defendant-Appellant Trenton Don Wilson appeals the sentence imposed on revocation of his supervised release after he admitted using and possessing controlled substances in violation of the conditions of his release. The district court imposed the 24-month prison term “to meet the objectives of punishment and deterrence.” Wilson contends that the court erred in light of *United States v. Miller*, 634 F.3d 841, 844 (5th Cir.), *cert. denied*, 132 S. Ct. 496 (2011). We review for plain error because Wilson failed to preserve the purported *Miller*

* 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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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error in the district court. *See United States v. Rodriguez*, 15 F.3d 408, 414 (5th Cir. 1994).

In *Miller*, we held that it is improper for a district court to rely on the 18 U.S.C. § 3553(a)(2)(A) factors, which include punishment, for the modification or revocation of a term of supervised release because Congress deliberately omitted that subsection from the first clause of 18 U.S.C. § 3583(e). 634 F.3d at 844. Unlike the revocation under § 3583(e) at issue in *Miller*, the revocation of Wilson's term of supervised release was mandated by 18 U.S.C. § 3583(g). Because § 3583(g) does not expressly invoke the § 3553(a) factors or the limits imposed by the first clause of § 3583(e), we find no clear or obvious error under *Miller*. *See United States v. Giddings*, 37 F.3d 1091, 1095-97 (5th Cir. 1994); *see also United States v. Ibanez*, No. 11-10504, 2011 WL 6337771, at *1 (5th Cir. Dec. 19, 2011) (unpublished).

The judgment of the district court is AFFIRMED.