

United States Court of Appeals
for the Fifth Circuit

United States Court of Appeals
Fifth Circuit

FILED

June 29, 2022

Lyle W. Cayce
Clerk

No. 21-51113
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

ANDY THOMAS SCHUMAN,

Defendant—Appellant.

Appeal from the United States District Court
for the Western District of Texas
USDC No. 7:09-CR-53-1

Before WIENER, DENNIS, and HAYNES, *Circuit Judges.*

PER CURIAM:*

Defendant-Appellant Andy Thomas Schuman appeals the sentence imposed on revocation of his supervised release. The district court sentenced him to a term of 30 months in prison, substantially above the advisory range

* Pursuant to 5TH CIRCUIT RULE 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIRCUIT RULE 47.5.4.

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of 12 to 18 months. Schuman contends that this sentence is unreasonable because it fails to reflect consideration of mitigating factors.

Applying the “plainly unreasonable” standard, *United States v. Warren*, 720 F.3d 321, 326 (5th Cir. 2013) (quoting *United States v. Miller*, 634 F.3d 841, 843 (5th Cir. 2011)), we conclude that Schuman’s contention is without merit. The record reflects that the district court considered the information before it, including Schuman’s testimony and allocution, and Schuman fails to demonstrate that the court committed a clear error of judgment or otherwise reversibly erred in balancing the sentencing factors. *See id.* at 332.

AFFIRMED.