

United States Court of Appeals
for the Fifth Circuit

United States Court of Appeals
Fifth Circuit

FILED

March 2, 2022

Lyle W. Cayce
Clerk

No. 21-60682
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

REGINALD LAFRANZ VARNADO,

Defendant—Appellant.

Appeal from the United States District Court
for the Southern District of Mississippi
USDC No. 5:19-CR-7-1

Before SOUTHWICK, OLDHAM, and WILSON, *Circuit Judges.*

PER CURIAM:*

Reginald LaFranz Varnado was serving a term of supervised release following his conviction for theft of government property. The district court found that he violated the conditions of release and sentenced him to a prison

* Pursuant to 5TH CIRCUIT RULE 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIRCUIT RULE 47.5.4.

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term of 11 months to be followed by 25 months of supervised release. Varnado argues his revocation sentence is substantively unreasonable.

The district court heard Varnado's explanations for each of his release violations, and it considered his arguments for a sentence other than imprisonment. The court concluded that a prison term and additional supervision was warranted in light of the relevant 18 U.S.C. § 3553(a) sentencing factors. The 11-month revocation sentence was within the advisory range and is therefore presumed reasonable. *See United States v. Badgett*, 957 F.3d 536, 541 (5th Cir.), *cert. denied*, 141 S. Ct. 827 (2020). Varnado has not shown that the district court, when imposing the sentence, failed to consider a significant factor, considered an improper factor, or made a clear error of judgment in balancing the relevant factors. *See id.* Accordingly, he has not shown that the district court abused its discretion by imposing a substantively unreasonable sentence. *See id.*

AFFIRMED.