

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 09-4460

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

CALVIN LEWIS, a/k/a Boo,

Defendant - Appellant.

Appeal from the United States District Court for the Eastern District of Virginia, at Richmond. James R. Spencer, Chief District Judge. (3:03-cr-00394-DWD-14)

Submitted: November 4, 2009

Decided: November 16, 2009

Before NIEMEYER, KING, and SHEDD, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Charles D. Lewis, THE HICKS GROUP, LLC, Richmond, Virginia, for Appellant. Neil H. MacBride, United States Attorney, Roderick C. Young, Assistant United States Attorney, Richmond, Virginia, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Calvin Lewis appeals the district court's judgment revoking his supervised release and sentencing him to thirty months of imprisonment, a sentence above the advisory guidelines range. He asserts that the sentence was greater than necessary to serve the purposes of sentencing and that the court failed to explain sufficiently its chosen sentence. We affirm.

While the sentence Lewis received is above the advisory sentencing guidelines range, it is within the applicable statutory maximum sentence. Moreover, our review of the record leads us to conclude that the district court sufficiently considered the statutory factors and explained its reasons for imposing an above-guidelines sentence. See United States v. Carter, 564 F.3d 325, 330 (4th Cir. 2009). We therefore find that the sentence imposed upon revocation of supervised release is not plainly unreasonable. See United States v. Crudup, 461 F.3d 433, 439-40 (4th Cir. 2006) (providing standard); see also United States v. Finley, 531 F.3d 288, 294 (4th Cir. 2008) ("In applying the 'plainly unreasonable' standard, we first determine, using the instructions given in Gall[v. United States, 552 U.S. 38 (2007)], whether a sentence is 'unreasonable.'").

Accordingly, we affirm the district court's judgment. We dispense with oral argument because the facts and legal

contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

AFFIRMED