

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 05-5097

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

TIGE NIGEL UTLEY,

Defendant - Appellant.

Appeal from the United States District Court for the Eastern District of North Carolina, at Raleigh. James C. Fox, Senior District Judge. (CR-99-105)

Submitted: May 31, 2006

Decided: February 1, 2007

Before WILKINSON, NIEMEYER, and MOTZ, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Thomas P. McNamara, Federal Public Defender, Devon L. Donahue, Assistant Federal Public Defender, Raleigh, North Carolina, for Appellant. Frank D. Whitney, United States Attorney, Anne M. Hayes, Christine Witcover Dean, Assistant United States Attorneys, Raleigh, North Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Tige Nigel Utley appeals the district court's order revoking his supervised release and sentencing him to twenty-four months' imprisonment. Finding no reversible error, we affirm.

Utley contends that his sentence is unreasonable. We note that while the sentence was substantially above the advisory guideline range of eight to fourteen months, see U.S. Sentencing Guidelines Manual § 7B1.4(a) (2000), it was within the applicable statutory maximum of two years. See 18 U.S.C. § 3583(e)(3) (2000). Additionally, the court considered the permissible 18 U.S.C.A. § 3553(a) (West 2000 & Supp. 2006) factors when imposing sentence. See 18 U.S.C. § 3583(e)(3). Further, while the district court recognized the advisory guideline range, the court sufficiently explained its reasons for imposing a significantly longer sentence - Utley repeatedly violated the terms of his supervised release by testing positive for use of controlled substances on several occasions and by failing to undergo directed drug treatment. We conclude that the sentence imposed upon revocation of supervised release was not plainly unreasonable. See United States v. Crudup, 461 F.3d 433, 437 (4th Cir. 2006).

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