

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 06-4187

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

JEFFREY JAMES AYERS,

Defendant - Appellant.

Appeal from the United States District Court for the Western District of Virginia, at Charlottesville. Norman K. Moon, District Judge. (3:02-cr-00018)

Submitted: November 30, 2006

Decided: December 27, 2006

Before MOTZ, KING, and SHEDD, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Richard A. Davis, Charlottesville, Virginia, for Appellant. John L. Brownlee, United States Attorney, William F. Gould, Assistant United States Attorney, Charlottesville, Virginia, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Jeffrey James Ayers appeals the twelve-month sentence imposed after the district court revoked his supervised release. He challenges the supervised release revocation in the first instance and asserts that the sentence imposed is plainly unreasonable. We affirm.

Ayers first asserts that the district court erred by revoking his supervised release. At the revocation hearing, however, Ayers admitted that he had used cocaine. Thus, we find no abuse of discretion in the district court's decision to revoke supervised release. See United States v. Davis, 53 F.3d 638, 642-43 (4th Cir. 1995) (stating standard of review).

Ayers also asserts that the district court should have modified his term of supervised release to include drug treatment and that the court plainly erred by imposing an additional term of supervised release. Our review of the record leads us to conclude that the district court did not err in imposing an additional term of supervised release. We also note that, although the district court did not have the benefit of our decision in United States v. Crudup, 461 F.3d 433 (4th Cir. 2006), petition for cert. filed, ___ U.S.L.W. ___ (U.S. Nov. 3, 2006) (No. 06-7631), to guide its imposition of Ayers' revocation sentence, we conclude that Ayers' sentence is not plainly unreasonable.

Accordingly, we affirm. 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