UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 09-4670

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

ALVIN T. HILL,

Defendant - Appellant.

Appeal from the United States District Court for the Eastern District of North Carolina, at Wilmington. James C. Fox, Senior District Judge. (7:04-cr-00012-F-1)

Submitted: April 16, 2010 Decided: April 27, 2010

Before KING, GREGORY, and SHEDD, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Thomas P. McNamara, Federal Public Defender, G. Alan DuBois, Assistant Federal Public Defender, James E. Todd, Jr., Research and Writing Attorney, Raleigh, North Carolina, for Appellant. George E. B. Holding, United States Attorney, Anne M. Hayes, Jennifer P. May-Parker, Assistant United States Attorneys, Raleigh, North Carolina, for Appellee.

PER CURIAM:

Alvin T. Hill appeals from the district court's judgment revoking his supervised release and sentencing him to twenty-four months of imprisonment, a sentence above the advisory guidelines range. On appeal, Hill does not challenge the district court's finding that he violated the conditions of his supervised release or the court's revocation of supervised release, but he contends his sentence was greater than necessary to serve the purposes of sentencing and that the court failed to explain sufficiently its chosen sentence. We affirm.

Although the sentence Hill 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 did not plainly err in its consideration of the statutory factors and its statement of its reasons for imposing an above-guidelines sentence. See United States v. Thompson, 595 F.3d 544, 546 (4th Cir. 2010) (providing standard of review); United States v. Carter, 564 F.3d 325, 330 (4th Cir. 2009) (requiring an individualized consideration of the sentencing factors as they apply to the defendant). 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