

April 20, 2007

Charles R. Fulbruge III  
Clerk

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 05-30704  
Summary Calendar

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UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

JOSIE E. SINEGAL,

Defendant-Appellant.

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Appeal from the United States District Court  
for the Western District of Louisiana  
USDC No. 6:00-CR-60006  
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Before JONES, Chief Judge, and JOLLY and OWEN, Circuit Judges.

PER CURIAM:\*

The district court revoked Josie E. Sinegal's probation and sentenced her to serve four years in prison. Sinegal appeals her sentence. She argues that her sentence is unreasonable because it exceeded the advisory guideline range, because her violations did not warrant such a harsh sentence, and because the district court failed to provide sufficient reasons for the sentence. She requests that this court vacate her sentence and remand the case for resentencing.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

We have yet to decide whether revocation sentences imposed following the release of United States v. Booker, 543 U.S. 220 (2005), should be reviewed under the reasonableness standard or the plainly unreasonable standard. See United States v. Hinson, 429 F.3d 114, 120 (5th Cir. 2005), cert. denied, 126 S. Ct. 1804 (2006). Nevertheless, resolution of this issue is not needed to dispose of this appeal because Sinegal has not shown that she should prevail under either standard. See id. Sinegal's sentence exceeded the recommended guidelines sentence but not the pertinent statutory maximum sentence. Further, a review of the record demonstrates that the district court considered the relevant sentencing factors. See United States v. Smith, 440 F.3d 704, 707 (5th Cir. 2006). Consequently, the sentence was neither unreasonable nor plainly unreasonable, and the judgment of the district court is AFFIRMED.