

United States Court of Appeals
Fifth Circuit

FILED

April 30, 2007

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 06-40133
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

JONATHAN BISHOP, also known as Willie Bruce Allen,

Defendant-Appellant.

Appeal from the United States District Court
for the Southern District of Texas
USDC No. 2:99-CR-97-1

Before REAVLEY, GARZA and BENAVIDES, Circuit Judges.

PER CURIAM:*

Jonathan Bishop appeals the 24-month sentence imposed following the revocation of supervised release. He contends that the district court erred by finding that the conduct that resulted in revocation, possession of a small amount of cocaine, was a Grade B violation rather than a Grade C violation.

A conviction for possession of any amount of cocaine could have resulted in Bishop's imprisonment for more than one year under Texas law. See TEXAS HEALTH & SAFETY CODE § 481.112; TEXAS PENAL CODE § 12.35(a). The conduct therefore constituted a Grade B

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

violation, and the sentence was within the proper advisory guidelines range. See U.S.S.G. §§ 7B1.1(a)(2), 7B1.4(a)(table).

In any event, the sentence did not exceed the statutory maximum, and the district court considered the sentencing factors of 18 U.S.C. § 3553(a) when choosing the sentence. The sentence was thus neither "unreasonable" nor "plainly unreasonable." See United States v. Hinson, 429 F.3d 114, 119-20 (5th Cir. 2005), cert. denied, 126 S. Ct. 1804 (2006).

The district court's judgment is AFFIRMED.