

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

United States Court of Appeals
Fifth Circuit

FILED

June 27, 2008

No. 07-11045

Summary Calendar

Charles R. Fulbruge III
Clerk

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

v.

ENCARNACION CASTILLO, JR,

Defendant-Appellant.

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 2:94-CR-56-ALL

Before GARZA, BENAVIDES, and PRADO, Circuit Judges.

PER CURIAM:*

Encarnacion Castillo, Jr., appeals the 24-month sentence imposed by the district court following the revocation of his supervised release. He argues that the district court failed to properly weigh the factors of 18 U.S.C. § 3553(a) when imposing the statutory maximum sentence, thereby rendering his sentence unreasonable.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

Because Castillo did not object to his sentence in the district court, review is limited to plain error. See *United States v. Lopez-Velasquez*, ___ F.3d ___, Nos. 07-10151, 07-10321, 2008 WL 1874577 at *1 (5th Cir. Apr. 29, 2008). The district court considered the policy statements of Chapter 7 and determined that the facts of the instant case warranted a sentence above the recommended range. Castillo's probation officer testified for sentencing purposes, revealing that Castillo tested positive for cocaine on one occasion and did not submit a urine specimen on another occasion. Castillo has not shown that his revocation sentence is unreasonable or plainly unreasonable. *United States v. Hinson*, 429 F.3d 114, 120 (5th Cir. 2005). Therefore, the district court did not plainly err in imposing Castillo's sentence.

Accordingly, the judgment of the district court is **AFFIRMED**.