

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

United States Court of Appeals
Fifth Circuit

FILED

June 19, 2008

No. 07-30825
Summary Calendar

Charles R. Fulbruge III
Clerk

UNITED STATES OF AMERICA

Plaintiff-Appellee

v.

PAUL EDWARD ERWIN

Defendant-Appellant

Appeal from the United States District Court
for the Western District of Louisiana
USDC No. 1:06-CR-10018-1

Before KING, DAVIS, and CLEMENT, Circuit Judges.

PER CURIAM:*

Paul Edward Erwin pleaded guilty to possession of child pornography and was sentenced to 180 months of imprisonment, five years of supervised release, and a \$15,000 fine, with any portion of the fine that was unpaid at the time of his release from prison to be payable in installments of \$250 per month.

Erwin argues for the first time on appeal that the \$15,000 fine was unreasonable because he will have difficulty obtaining employment upon his

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

release from prison and because his assets are necessities of life that should remain unencumbered for the sake of his spouse.

Erwin did not challenge the fine in the district court, and thus we review it for plain error. See *United States v. Landerman*, 167 F.3d 895, 899 (5th Cir. 1999).

Because the presentence report, which was adopted by the district court, stated that Erwin had a net worth of \$70,000 and because Erwin has not shown that he will be unemployable at the time of his release from prison, he has not shown that the encumbrance of his assets to pay the fine will be unduly burdensome on his spouse or that the imposition of the fine was plainly erroneous. See *United States v. Magnuson*, 307 F.3d 333, 335-36 (5th Cir. 2002); *United States v. Matovsky*, 935 F.2d 719, 723 (5th Cir. 1991).

AFFIRMED.