

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT**

United States Court of Appeals
Fifth Circuit

FILED

November 3, 2009

Charles R. Fulbruge III
Clerk

No. 09-10011

Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

GORDON GRADY HENRY,

Defendant-Appellant

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 1:03-CR-88-ALL

Before REAVLEY, DAVIS and HAYNES, Circuit Judges.

PER CURIAM:*

In 2004, Gordon Grady Henry pleaded guilty to possession of an unregistered firearm. He now appeals the 24-month prison sentence imposed following the revocation of supervised release. He contends that his sentence is unreasonable because the district court failed to provide adequate reasons to explain the sentence.

* 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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 Henry failed to articulate his objection at sentencing, this court reviews for plain error. *See United States v. Hernandez-Martinez*, 485 F.3d 270, 272-73 (5th Cir. 2007). To demonstrate plain error, Henry must show a forfeited error that is clear or obvious and affects his substantial rights. *See id.* If these conditions are met, this court may exercise its discretion to correct the error if it “seriously affects the fairness, integrity, or public reputation of judicial proceedings.” *Id.*

Nothing in the record suggests that Henry’s sentence would have been different if the court had provided more reasons for its choice of sentence. *See United States v. Mondragon-Santiago*, 564 F.3d 357, 365 (5th Cir. 2009), *cert. denied*, 2009 WL 1849974 (Oct. 5, 2009) (No. 08-11099). Henry has thus failed to demonstrate error affecting his substantial rights. *See id.* In addition, Henry has not rebutted the presumption that the sentence within the properly calculated advisory guidelines range was reasonable. *See United States v. Lopez-Velasquez*, 526 F.3d 804, 809 (5th Cir.), *cert. denied*, 129 S. Ct. 625 (2008).

Accordingly, we AFFIRM the district court’s judgment.