

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

United States Court of Appeals
Fifth Circuit

FILED

December 1, 2009

Charles R. Fulbruge III
Clerk

No. 09-50276

Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

ROBERTO LOPEZ-GARCIA, also known as Robert Lopez,

Defendant-Appellant

Appeal from the United States District Court
for the Western District of Texas
USDC No. 5:02-CR-624-1

Before JOLLY, WIENER, and ELROD, Circuit Judges.

PER CURIAM:*

Defendant-Appellant Roberto Lopez-Garcia appeals the 24-month sentence he received following the revocation of his supervised release. Lopez-Garcia contends that his sentence, which exceeded the applicable guidelines range of 12 to 18 months, is greater than necessary to achieve Congress's sentencing goals because it overstates the severity of his violation.

We disagree. The sentence imposed falls within the two-year statutory maximum authorized on revocation, and Lopez-Garcia has identified no evidence

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

to support his claim that the sentence is unreasonable or plainly unreasonable. *See United States v. Hinson*, 429 F.3d 114, 120 (5th Cir. 2005); *see also* 8 U.S.C. § 1326(a), (b)(2), 3559(a)(2), 3583(e)(3).

AFFIRMED.