

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

United States Court of Appeals
Fifth Circuit

F I L E D

January 29, 2010

No. 09-60486
Summary Calendar

Charles R. Fulbruge III
Clerk

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

v.

JAMES EDWARD GOWDY,

Defendant-Appellant.

Appeal from the United States District Court
for the Southern District of Mississippi
USDC No. 3:08-CR-167-1

Before JOLLY, WIENER, and ELROD, Circuit Judges.

PER CURIAM:*

James Edward Gowdy appeals following his jury verdict conviction of being a felon in possession of ammunition and his sentence of 210 months of imprisonment and three years of supervised release. Gowdy argues that the evidence produced at trial was insufficient to support the jury's verdict regarding his knowing possession of the ammunition because the arresting officer's testimony was unreliable. A reasonable trier of fact could have concluded from the evidence that Gowdy's knowing possession of the ammunition was

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

established beyond a reasonable doubt. *See United States v. Floyd*, 343 F.3d 363, 370 (5th Cir. 2003).

Gowdy also contends that his sentence was unreasonable because the district court unduly limited its discretion at sentencing and imposed a within-guidelines sentence that it believed was excessive. Examination of the record does not support that claim. Gowdy has failed to establish that his sentence was unreasonable. *See Gall v. United States*, 552 U.S. 38, 51 (2007).

The district court's judgment is AFFIRMED.