

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

United States Court of Appeals
Fifth Circuit

FILED

October 18, 2013

Lyle W. Cayce
Clerk

No. 13-50008
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

JUAN ANTONIO RODRIGUEZ-BANDA,

Defendant-Appellant

Appeal from the United States District Court
for the Western District of Texas
USDC No. 1:11-CR-376-1

Before HIGGINBOTHAM, DENNIS, and GRAVES, Circuit Judges.

PER CURIAM:*

Juan Antonio Rodriguez-Banda argues that the imposition upon the revocation of his supervised release of a 12-month prison sentence, which is above the guidelines policy statement range of 4 to 10 months but at the statutory maximum, is plainly unreasonable. He contends that because a supervised release violation implicates only a breach of the court's trust and because he is not a danger to the community, his sentence is greater than necessary to achieve the sentencing goals of 18 U.S.C. § 3553(a).

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

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Because Rodriguez-Banda did not object to his sentence in the district court, we review for plain error. *United States v. Warren*, 720 F.3d 321, 326 (5th Cir. 2013). In this case, the sentencing court noted Rodriguez-Banda's recidivism when it imposed the sentence. The need for a sentence to afford adequate deterrence to criminal conduct is a proper factor for consideration. 18 U.S.C. §§ 3583(e), 3553(a)(2)(A). As Rodriguez-Banda has not demonstrated plain error, we AFFIRM the district court order revoking his supervised release and sentencing him to 12 months of imprisonment.