

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

United States Court of Appeals
Fifth Circuit

FILED

November 14, 2019

Lyle W. Cayce
Clerk

No. 19-60076
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

WILBERT CONCHO,

Defendant-Appellant

Appeal from the United States District Court
for the Southern District of Mississippi
USDC No. 4:06-CR-17-3

Before JOLLY, JONES, and SOUTHWICK, Circuit Judges.

PER CURIAM:*

Wilbert Concho appeals the 36-month prison sentence imposed by the district court following revocation of his fifth term of supervised release. Concho contends that the above-guidelines sentence was procedurally unreasonable, because the district court did not adequately explain the sentence, and substantively unreasonable, because the district court erred in balancing the relevant sentencing factors.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

No. 19-60076

We review a sentence imposed on revocation of supervised release in a two-step process, first ensuring that the district court committed no significant procedural error, such as failing to adequately explain the chosen sentence, including failing to explain a deviation from the guidelines range. *United States v. Warren*, 720 F.3d 321, 326 (5th Cir. 2013). If we conclude that there was no procedural error, we then determine whether the sentence was substantively unreasonable, under an abuse of discretion standard. *Id.* at 326, 332.

Concho has not shown procedural error as the district court considered the parties' arguments and then provided a reasoned basis for imposing the above-guidelines sentence. *See Rita v. United States*, 551 U.S. 338, 356 (2007). In addition, the sentence was not substantively unreasonable in light of the applicable factors. *See United States v. Whitelaw*, 580 F.3d 256, 265 (5th Cir. 2009). We need not consider whether error was obvious as Concho fails to show any error in either respect. *See United States v. Miller*, 634 F.3d 841, 843 (5th Cir. 2011); *United States v. Rodriguez*, 523 F.3d 519, 525 (5th Cir. 2008).

AFFIRMED.