

UNPUBLISHED

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 00-4192**

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UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

ERNEST DRAYTON, JR.,

Defendant - Appellant.

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Appeal from the United States District Court for the Eastern District of North Carolina, at Wilmington. W. Earl Britt, Senior District Judge. (CR-95-4-BR)

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Submitted: July 13, 2000

Decided: July 20, 2000

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Before WIDENER, LUTTIG, and TRAXLER, Circuit Judges.

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Affirmed by unpublished per curiam opinion.

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Thomas P. McNamara, Federal Public Defender, Stephen C. Gordon, Assistant Federal Public Defender, Raleigh, North Carolina, for Appellant. Janice McKenzie Cole, United States Attorney, Anne M. Hayes, Assistant United States Attorney, Raleigh, North Carolina, for Appellee.

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Unpublished opinions are not binding precedent in this circuit. See Local Rule 36(c).

PER CURIAM:

Ernest Drayton, Jr., appeals the revocation of his supervised release term and the district court's imposition of a ten-month imprisonment sentence with a thirty-six month supervised release term. At the revocation hearing, Drayton admitted to one of the three charged violations of the conditions of his supervised release term. On appeal, Drayton claims that the district court violated 18 U.S.C.A. § 3553(c) (West Supp. 2000), by failing to state its reasons for the sentence imposed. Because Drayton failed to object in the district court to the sentence or the manner in which it was imposed, we review his claim for plain error. See United States v. Olano, 507 U.S. 725, 731 (1993).

Our review of the record reveals that the district court made findings of fact regarding each violation of supervised release, and that it considered the applicable guidelines provisions,\* as well as Drayton's recidivist tendencies in imposing sentence. Accordingly, we find that there was no plain error in the district court's compliance with the applicable statutory provisions. See United States v. Davis, 53 F.3d 638, 642 (4th Cir. 1995). We dispense with oral argument because the facts and legal contentions

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\* See Chapter 7 of the Sentencing Guidelines.

are adequately presented in the materials before the Court and argument would not aid the decisional process.

AFFIRMED