

UNPUBLISHED

**UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT**

UNITED STATES OF AMERICA,
Plaintiff-Appellee,

v.

WESLEY ELWOOD WARD,
Defendant-Appellant.

No. 02-4003

Appeal from the United States District Court
for the Eastern District of North Carolina, at Wilmington.
James C. Fox, Senior District Judge.
(CR-98-39-FO)

Submitted: July 25, 2002

Decided: August 2, 2002

Before WILKINS, MOTZ, and TRAXLER, Circuit Judges.

Affirmed by unpublished per curiam opinion.

COUNSEL

Robert J. McAfee, MCCOTTER, MCAFEE & ASHTON, P.L.L.C.,
New Bern, North Carolina, for Appellant. Frank D. Whitney, United
States Attorney, Anne M. Hayes, Assistant United States Attorney,
Peter W. Kellen, Assistant United States Attorney, Raleigh, North
Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.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

OPINION

PER CURIAM:

Wesley Elwood Ward pleaded guilty to conspiracy to make false statements to a federally insured financial institution in violation of 18 U.S.C.A. § 371 (West 2000). He was sentenced to a term of forty-six months imprisonment and thirty-six months of supervised release. Ward admittedly violated the terms of his supervised release. At his revocation hearing, the district court sentenced Ward to twenty-four months imprisonment.

We review a district court's revocation of supervised release for abuse of discretion. *See United States v. Davis*, 53 F.3d 638, 642-43 (4th Cir. 1995). The district court need only find a violation of a condition of supervised release by a preponderance of the evidence. *See* 18 U.S.C.A. § 3583(e)(3) (West 1994 & Supp. 2001). Moreover, if the court has considered the relevant factors and the applicable policy statements, it has the discretion to impose a sentence outside the ranges set out in the sentencing guidelines. *See Davis* at 642-43.

We find the district court did not abuse its discretion in sentencing Ward to twenty-four months imprisonment. Ward provides no basis for his assertion that the court sentenced him based on "secret information" provided by his probation officer or out of "punitive animus." We therefore affirm the judgment of the district court. We dispense with oral argument, because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

AFFIRMED