

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 02-4681

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

MATTHEW JOHN WIGGINS,

Defendant - Appellant.

Appeal from the United States District Court for the Southern District of West Virginia, at Parkersburg. Joseph Robert Goodwin, District Judge. (CR-99-199-6-1)

Submitted: January 15, 2003

Decided: January 29, 2003

Before WILKINS, WILLIAMS, and GREGORY, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Mary Lou Newberger, Federal Public Defender, Edward H. Weis, Assistant Federal Public Defender, Charleston, West Virginia, for Appellant. Kasey Warner, United States Attorney, Stephanie D. Thacker, Special Assistant United States Attorney, Charleston, West Virginia, for Appellee.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Matthew John Wiggins appeals the district court's order revoking his term of supervised release and sentencing him to twelve months imprisonment, followed by twenty-four months of supervised release, to include home detention. Wiggins contends that his sentence exceeds the statutory maximum provided by 18 U.S.C. § 3583(e)(3) (2000). We find that the district court properly sentenced Wiggins within the statutory maximum. See United States v. Hager, 288 F.3d 136 (4th Cir.) (holding that a defendant does not receive credit against the maximum revocation prison term for time previously spent on home detention), cert. denied, 71 U.S.L.W. 3265 (U.S. Oct. 15, 2002) (No. 02-6167).

Accordingly, we affirm Wiggins' sentence. 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