

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 05-4148

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

MARY CASTO,

Defendant - Appellant.

Appeal from the United States District Court for the Northern District of West Virginia, at Clarksburg. Irene M. Keeley, Chief District Judge. (CR-94-107)

Submitted: July 20, 2005

Decided: August 10, 2005

Before LUTTIG, KING, and GREGORY, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Brian J. Kornbrath, Federal Public Defender, Clarksburg, West Virginia, for Appellant. Thomas E. Johnston, United States Attorney, Shawn Angus Morgan, Assistant United States Attorney, Clarksburg, West Virginia, for Appellee.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Mary Casto appeals the district court's judgment revoking her supervised release and sentencing her to fourteen months in prison. On appeal, Casto argues the district court failed to fully consider her history and characteristics, and it abused its discretion by denying her motion for modification in lieu of revocation. We affirm.

We review a district court's judgment revoking supervised release and imposing a term of imprisonment for abuse of discretion. United States v. Davis, 53 F.3d 638, 642-43 (4th Cir. 1995). In exercising this discretion, the district court must consider the factors set forth in 18 U.S.C. § 3553(a) (2000). See 18 U.S.C.A. § 3583(e) (West 2000 & Supp. 2004). The district court abuses its discretion when it fails or refuses to exercise its discretion or when its exercise of discretion is flawed by an erroneous legal or factual premise. See James v. Jacobson, 6 F.3d 233, 239 (4th Cir. 1993). Our review of the record convinces us the district court fully considered Casto's history and characteristics and did not abuse its discretion.

Accordingly, we affirm the district court's judgment. 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