

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 05-4247

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

STEVEN ERNEST GLOVER,

Defendant - Appellant.

Appeal from the United States District Court for the Eastern District of North Carolina, at Raleigh. Louise W. Flanagan, Chief District Judge. (CR-04-317)

Submitted: November 4, 2005

Decided: November 29, 2005

Before MICHAEL and MOTZ, Circuit Judges, and HAMILTON, Senior Circuit Judge.

Affirmed by unpublished per curiam opinion.

Thomas P. McNamara, Federal Public Defender, Stephen C. Gordon, Assistant Federal Public Defender, Raleigh, North Carolina, for Appellant. Frank D. Whitney, United States Attorney, Anne M. Hayes, Christine Witcover Dean, Assistant United States Attorneys, Raleigh, North Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Steven Ernest Glover appeals from his twenty-four-month sentence, imposed after the district court revoked his supervised release. Glover contends that the district court erred by imposing a sentence above the advisory guideline range. Glover asserts that the guideline range suggests the presumptive limits of a reasonable sentence and that the court must find a compelling basis in order to impose a sentence greater than the guideline range. Glover's interpretation of the law is incorrect. The sentencing guideline range is purely advisory. United States v. Denard, 24 F.3d 599, 602 (4th Cir. 1994).

In any event, we hold that the district court had a satisfactory factual basis for sentencing Glover outside of the guideline range. While on supervised release for less than five months, Glover violated the terms of his release by drinking alcohol and smoking marijuana. His behavior was repetitive and resulted in a vehicular accident, and he was unable to control his behavior even in the halfway house setting. Moreover, he had a history of violence and uncontrolled mental instability. We therefore hold that the district court did not abuse its discretion in imposing this sentence.

Accordingly, we affirm Glover's 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