

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 07-4208

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

DAVID WEAVER,

Defendant - Appellant.

Appeal from the United States District Court for the Eastern District of North Carolina, at Raleigh. Terrence W. Boyle, District Judge. (5:02-cr-00102-BO)

Submitted: July 25, 2007

Decided: August 15, 2007

Before MICHAEL and KING, Circuit Judges, and WILKINS, Senior Circuit Judge.

Affirmed by unpublished per curiam opinion.

Thomas P. McNamara, Federal Public Defender, G. Alan DuBois, Assistant Federal Public Defender, Raleigh, North Carolina, for Appellant. George E. B. Holding, United States Attorney, Jennifer P. May-Parker, Anne M. Hayes, Assistant United States Attorneys, Raleigh, North Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

David Weaver appeals the district court's order revoking his supervised release and sentencing him to sixty months' imprisonment. We affirm.

We note that while the sentence Weaver received is above the advisory sentencing guideline range of eighteen to twenty-four months, see U.S. Sentencing Guidelines Manual § 7B1.4(a) (2006), it is within the applicable statutory maximum sentence. Moreover, our review of the record leads us to conclude that the district court sufficiently considered the statutory factors and explained its reasons for imposing a sentence above the advisory guideline range. We therefore find that the sentence imposed upon revocation of supervised release is not plainly unreasonable. See United States v. Crudup, 461 F.3d 433, 437, 439-40 (4th Cir. 2006), cert. denied, 127 S. Ct. 1813 (2007). We further grant the Government's motion to strike Weaver's reply brief. 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