

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 98-4846

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

GBENGA OMOLA, a/k/a Olufemi Adebayo,

Defendant - Appellant.

Appeal from the United States District Court for the Eastern District of North Carolina, at Greenville. Terrence W. Boyle, Chief District Judge. (CR-95-11-BO)

Submitted: May 28, 1999

Decided:

Before WIDENER, HAMILTON, and TRAXLER, Circuit Judges.

Affirmed by unpublished per curiam opinion.

William Arthur Webb, Federal Public Defender, Robert H. Hale, Jr., Assistant Federal Public Defender, Raleigh, North Carolina, for Appellant. Janice McKenzie Cole, United States Attorney, Anne M. Hayes, Assistant United States Attorney, David J. Cortes, Assistant United States Attorney, Raleigh, North Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Gbenga Omola appeals from the district court order revoking his supervised release and imposing a twenty-four month term of imprisonment. He argues that the district court erred by failing to state on the record its consideration of the statutory factors required by 18 U.S.C. § 3583(e)(3) (1994), or to offer some reasoning, before imposing the statutory maximum sentence rather than the sentence recommended by Chapter Seven of the Sentencing Guidelines. Because Omola did not object to the sentence at the revocation hearing, we review for plain error. See Fed. R. Crim. P. 52(b); United States v. Grubb, 11 F.3d 426, 440 (4th Cir. 1993).

Although it would have been preferable for the district court to express its reasoning on the record, we find that the court's failure to do so is not plain error because it did not result in a miscarriage of justice. See United States v. Mitchell, 1 F.3d 235, 239 (4th Cir. 1993) (quoting United States v. Young, 470 U.S. 1, 15 (1985)). Therefore, we affirm the district court order. 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