

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 02-4356

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

TYRONE BROWNE,

Defendant - Appellant.

Appeal from the United States District Court for the Eastern District of Virginia, at Richmond. Robert E. Payne, District Judge. (CR-99-184-3)

Submitted: August 13, 2002

Decided: August 29, 2002

Before WILLIAMS, TRAXLER, and GREGORY, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Frank W. Dunham, Jr., Federal Public Defender, Robert J. Wagner, Assistant Federal Public Defender, Richmond, Virginia, for Appellant. Paul J. McNulty, United States Attorney, Sara E. Flannery, Assistant United States Attorney, Richmond, Virginia, for Appellee.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Tyrone Browne appeals the district court's order that revoked his supervised release and sentenced him to thirteen months in prison to be followed by forty-seven months of supervised release. The court concluded Brown failed to pay restitution as directed, failed to follow his probation officer's instructions to file an income/expense form, failed to work regularly, and tested positive for drug use. On appeal, Browne does not dispute these violations but asserts his thirteen-month sentence was unreasonable because the court did not take into account mitigating circumstances concerning Browne's fiancée's illness. We disagree. It is clear from the record that the district court imposed a sentence below the statutory maximum in order to provide Browne with another opportunity to rehabilitate himself. Therefore, we conclude the thirteen-month sentence was not unreasonable and affirm. We dispense with oral argument because the facts and legal contentions of the parties are adequately presented in the materials before the court and argument would not aid the decisional process.

AFFIRMED