

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 05-4582

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

CHARLES DUSTIN SALMONS,

Defendant - Appellant.

Appeal from the United States District Court for the Southern District of West Virginia, at Huntington. Robert C. Chambers, District Judge. (CR-00-171)

Submitted: September 16, 2005

Decided: October 6, 2005

Before MICHAEL, SHEDD, and DUNCAN, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Mary Lou Newberger, Federal Public Defender, David R. Bungard, Assistant Federal Public Defender, Charleston, West Virginia, for Appellant. Kasey Warner, United States Attorney, Larry R. Ellis, Assistant United States Attorney, Charleston, West Virginia, for Appellee.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Charles Dustin Salmons appeals the district court's judgment revoking his supervised release for the second time and sentencing him to six months in prison followed by twelve months of supervised release. On appeal, Salmons argues that his six-month sentence is unreasonable in light of the factors set out in 18 U.S.C.A. § 3553(a) (West 2000 & Supp. 2005), and that the mitigating factors surrounding his employment status warrant modification of the terms and conditions of supervised release. 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.A. § 3553(a). See 18 U.S.C.A. § 3583(e) (West 2000 & Supp. 2005). Our review of the record convinces us the district court fully considered Salmons'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