

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 99-4394

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

WARREN DANIEL KELLY, JR.,

Defendant - Appellant.

Appeal from the United States District Court for the Eastern District of North Carolina, at Raleigh. James C. Fox, District Judge. (CR-97-157)

Submitted: September 8, 1999 Decided: September 23, 1999

Before WIDENER and HAMILTON, Circuit Judges, and BUTZNER, Senior Circuit Judge.

Affirmed by unpublished per curiam opinion.

William Arthur Webb, Federal Public Defender, G. Alan DuBois, Assistant Federal Public Defender, Raleigh, North Carolina, for Appellant. Janice McKenzie Cole, United States Attorney, Anne M. Hayes, Assistant United States Attorney, Peter W. Kellen, 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Unpublished opinions are not binding precedent in this circuit.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:

Warren Daniel Kelly, Jr., appeals the twelve-month prison sentence the district court imposed after revoking his probation. Kelly asserts that the sentence was unreasonable because it exceeded the three-to-nine month sentence suggested under U.S. SENTENCING GUIDELINES MANUAL § 7B1.4, p.s. (1998), and his probation violations did not involve new criminal conduct or other serious aggravating factors. We affirm.

After a thorough review of the record—including the nature and extent of Kelly's probation violations, the probation officer's motion for revocation, and the worksheet notifying the district court of the revocation range recommended in Chapter 7—we reject Kelly's arguments and conclude that the district court did not abuse its discretion in sentencing Kelly to the twelve-month statutory maximum sentence. See United States v. Davis, 53 F.3d 638, 642 (4th Cir. 1995) (providing standard of review). Accordingly, we affirm Kelly'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