**UNPUBLISHED**

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

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**No. 26-4129**

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UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

HOWARD TERRANCE DUNLAP,

Defendant - Appellant.

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Appeal from the United States District Court for the Middle District of North Carolina, at Greensboro. Catherine C. Eagles, Chief District Judge. (1:16-cr-00096-CCE-1)

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Submitted: August 27, 2026 Decided: September 1, 2026

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Before KING, HEYTENS, and BENJAMIN, Circuit Judges.

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Affirmed by unpublished per curiam opinion.

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**ON BRIEF:** Eric D. Placke, Federal Public Defender, Kathleen A. Gleason, First Assistant Federal Public Defender, OFFICE OF THE FEDERAL PUBLIC DEFENDER, Greensboro, North Carolina, for Appellant. Dan Bishop, United States Attorney, Karla E. Painter, Assistant United States Attorney, OFFICE OF THE UNITED STATES ATTORNEY, Greensboro, North Carolina, for Appellee.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Howard Terrance Dunlap appeals his 24-month revocation sentence, raising only a claim of substantive unreasonableness. For the reasons that follow, we affirm.

"A district court has broad discretion when imposing a sentence upon revocation of supervised release." *United States v. Patterson*, 957 F.3d 426, 436 (4th Cir. 2020). "This Court will affirm a revocation sentence if it is within the statutory maximum and is not plainly unreasonable." *Id.* Where, as here, the sentence does not exceed the statutory maximum, we "first examine whether the sentence was unreasonable at all, procedurally or substantively." *United States v. Amin*, 85 F.4th 727, 739 (4th Cir. 2023) (internal quotation marks omitted). "Only if we find the sentence unreasonable must we decide whether it is plainly so." *Id.* (internal quotation marks omitted).

"A revocation sentence is substantively reasonable if, in light of the totality of the circumstances, the court states an appropriate basis for concluding that the defendant should receive the sentence imposed." *United States v. Coston*, 964 F.3d 289, 297 (4th Cir. 2020) (internal quotation marks omitted). In selecting a revocation sentence, the "court must consider certain factors set forth in [18 U.S.C.] § 3553(a), including the nature and circumstances of the offense, the history and characteristics of the defendant, the need to afford adequate deterrence, and the need to protect the public." *United States v. Doctor*, 958 F.3d 226, 239 (4th Cir. 2020); *see* 18 U.S.C. § 3583(e). Critically, "district courts have extremely broad discretion when determining the weight to be given each of the [relevant] § 3553(a) factors." *United States v. Nance*, 957 F.3d 204, 215 (4th Cir. 2020) (internal quotation marks omitted). A defendant's mere disagreement with the weight attributed to

the relevant § 3553(a) factors "does not in itself demonstrate an abuse of the court's discretion." *United States v. Susi*, 674 F.3d 278, 290 (4th Cir. 2012).

In 2016, Dunlap was convicted of distributing child sexual abuse material (CSAM). Though his Sentencing Guidelines range was 151 to 188 months, the district court imposed a substantial downward variance of just 65 months' imprisonment, plus 10 years of supervised release. A few years after his release from prison, Dunlap tried to access CSAM on his computer, but monitoring software thwarted his attempt. As a result, the district court revoked Dunlap's supervision.

At the revocation hearing, the district court imposed the 24-month statutory maximum—well above the policy statement range of 4 to 10 months. The court observed that its prior downward variance sentence had been insufficient to deter Dunlap from seeking out CSAM, so an upward variance sentence was now necessary to achieve the goal of specific deterrence. The court also cited the need for the revocation sentence to afford general deterrence to other similarly situated supervisees. Finally, the court determined that a lengthy revocation sentence was necessary to protect the public, emphasizing that CSAM viewers help perpetuate a market that victimizes children.

On appeal, Dunlap claims that a lengthy revocation sentence is unnecessary to protect the public, given that the computer monitoring software is clearly effective at preventing him from accessing CSAM. But even assuming the software is foolproof—which seems doubtful—it still would not prevent him from either accessing CSAM on an unmonitored internet-connected device or obtaining physical media depicting CSAM. For

these reasons, we believe the district court's concerns about protecting the public were well-founded.

Dunlap also argues that a sentence within the policy statement range would have been sufficient to satisfy the goal of specific deterrence. The district court, however, was free to find otherwise. And here, the court found that an upward variance revocation sentence was necessary to counterbalance the 65-month downward variance that had clearly failed to deter Dunlap from continuing to search for CSAM. In our view, the court appropriately exercised its discretion in weighing the relevant § 3553(a) factors and deciding that the statutory maximum sentence was warranted. We therefore conclude that Dunlap's sentence is not substantively unreasonable, let alone plainly so.

Accordingly, we affirm the revocation judgment. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before this court and argument would not aid the decisional process.

*AFFIRMED*