

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

United States Court of Appeals
Fifth Circuit

FILED

September 25, 2008

Charles R. Fulbruge III
Clerk

No. 05-40859

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

ROBERT E. NOLEN,

Defendant-Appellant.

Appeal from the United States District Court
for the Eastern District of Texas

Before JOLLY, DAVIS, and WIENER, Circuit Judges.

WIENER, Circuit Judge:

Before us following our second remand to the district court is that court's Order on Remand filed August 7, 2008, in which, following a hearing attended by counsel for the government in person and by Defendant-Appellant via telephone after waiving attendance in person and waiving representation by counsel, the district court ordered restitution reimposed in the amount of \$223,509. We have again reviewed the record on appeal, the filings of the parties, and the ruling of the district court on remand, as a result of which we

are satisfied that the proceeding in the district court satisfied the requirements of due process and that the court's reimposition of the restitution element of its sentence is appropriate in all respects. Accordingly, Nolen's sentence, including restitution of \$223,509, is

AFFIRMED.