

September 27, 2004

Charles R. Fulbruge III  
Clerk

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

---

No. 04-30390  
Summary Calendar

---

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

SHERMAN SHAW,

Defendant-Appellant.

-----  
Appeal from the United States District Court  
for the Western District of Louisiana  
USDC No. 3:03-CR-30048-ALL  
-----

Before EMILIO M. GARZA, DeMOSS, and CLEMENT, Circuit Judges.

PER CURIAM:\*

Sherman Shaw appeals from his sentence following a guilty plea conviction for the misdemeanor of taking or attempting to take doves with a gun capable of holding more than three shells, in violation of the Migratory Bird Treaty Act, 16 U.S.C. § 703, and 50 C.F.R. § 20.21(b). The magistrate judge sentenced Sherman pursuant to the court's authority under 18 U.S.C. § 3402 to one year of probation, a \$300 fine, and a \$10 special assessment. As a special condition of probation, the magistrate judge ordered

---

\* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

that Shaw's hunting privileges were suspended during the probationary term. The district court affirmed the MJ's sentence.

Shaw argues that the imposition of probation and the loss of his hunting privileges are inherently unfair. Shaw faced a maximum sentence of six months in prison, a \$15,000 fine, or both. See 16 U.S.C. § 707. Shaw admitted at his arraignment that he knowingly violated the requirements of 16 U.S.C. § 703 and 50 C.F.R. § 20.21(b). We conclude that the MJ's sentence was not plainly unreasonable or an abuse of discretion. See United States v. Sandle, 123 F.3d 809, 810 (5th Cir. 1997); United States v. Merritt, 639 F.2d 254, 256 (5th Cir. 1981); 18 U.S.C. § 3742(a)(4).

AFFIRMED.