

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 98-10388  
Summary Calendar

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UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

MELVIN CHATMAN,

Defendant-Appellant.

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Appeal from the United States District Court  
for the Northern District of Texas  
USDC No. 4:94-CR-60-1-E  
- - - - -

June 2, 1999

Before HIGGINBOTHAM, JONES, AND DENNIS, Circuit Judges.

PER CURIAM:\*

Melvin Chatman appeals the district court's denial of his motion to reduce his sentence pursuant to 18 U.S.C. § 3582(c)(2). Chatman argues that his sentence exceeds the statutory maximum sentence of five years under 18 U.S.C. § 1952(a)(3) because the sentencing court imposed a three-year term of supervised release. Chatman is not entitled to relief under § 3582(c)(2). See United States v. Gonzalez-Balderas, 105 F.3d 981, 982 (5th Cir. 1997). Further, the three-year term of supervised release does not extend Chatman's sentence of imprisonment beyond the five-year statutory

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

maximum sentence. See United States v. Butler, 895 F.2d 1016, 1018 (5th Cir. 1989) (supervised release term does not extend a defendant's sentence beyond the statutory maximum sentence).

Chatman's appeal is without arguable merit and is thus DISMISSED as frivolous. See Howard v. King, 707 F.2d 215, 219-20 (5th Cir. 1983); 5th Cir. R. 42.2. Chatman is advised that future frivolous appeals filed by him or on his behalf will invite the imposition of sanctions. Chatman is further advised to review any pending appeals to ensure that they are not frivolous.

APPEAL DISMISSED; SANCTION WARNING ISSUED.