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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>UNITED STATES OF AMERICA,</p> <p>Plaintiff - Appellee,</p> <p>v.</p> <p>GERALD THOMAS SCHRAM,</p> <p>Defendant - Appellant.</p>
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No. 08-30017

D.C. No. CR-91-00064-OMP-1

MEMORANDUM\*

Appeal from the United States District Court  
for the District of Oregon  
Owen M. Panner, District Judge, Presiding

Submitted June 18, 2008\*\*

Before: REINHARDT, LEAVY, and CLIFTON, Circuit Judges.

Gerald Thomas Schram appeals from the sentence imposed following the revocation of supervised release. We have jurisdiction pursuant to 28 U.S.C. § 1291, and we affirm.

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\* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

\*\* The panel unanimously finds this case suitable for decision without oral argument. See Fed. R. App. P. 34(a)(2).

Schram contends that the district court's imposition of an eight-month sentence for a third revocation of supervised release violates the terms of the plea agreement he entered in 1991, because he never should have been placed on supervised release following either of the first two revocations. Schram's contention fails because the district court permissibly imposed a term of supervised release following each of the first two revocations, thus the district court did not plainly err when it revoked the instant term of supervised release and imposed a custodial sentence. *See Johnson v. United States*, 529 U.S. 694, 713 (2000); *see also* 18 U.S.C. § 3583(e)(3).

**AFFIRMED.**