

[DO NOT PUBLISH]

IN THE UNITED STATES COURT OF APPEALS

FOR THE ELEVENTH CIRCUIT

No. 07-11799

FILED U.S. COURT OF APPEALS ELEVENTH CIRCUIT DEC 18, 2008 THOMAS K. KAHN CLERK

D.C. Docket No. 02-00249 CR-KOB-HGD

UNITED STATES OF AMERICA,

Plaintiff-Appellant,

versus

DEWEY M. HAMAKER,
LINDA M. HAMAKER,
MORGAN CITY CONSTRUCTION, INC.,

Defendants-Appellees.

Appeals from the United States District Court
for the Northern District of Alabama

(December 18, 2008)

Before WILSON and COX, Circuit Judges, and FAWSETT, * District Judge.

PER CURIAM:

*Honorable Patricia C. Fawsett, United States District Judge for the Middle District of Florida, sitting by designation.

The Government appeals the sentences imposed against the Defendants in this case. More specifically, the Government contends that (1) the district court based the Hamakers' 18 months custody sentences on improper factors and committed clear error in applying the 18 U.S.C. § 3553(a) factors; and (2) the district court erred in ordering each of the three Defendants to pay restitution in the amount of only \$178,500.00.

Having carefully considered the briefs, and having had the benefit of oral argument, the court concludes that the Government has not demonstrated reversible error. The sentences imposed against each of the Defendants are affirmed in all respects.

AFFIRMED.