

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 02-4692

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

JOHN MICHAEL LIBERTO,

Defendant - Appellant.

Appeal from the United States District Court for the Northern District of West Virginia, at Wheeling. Frederick P. Stamp, Jr., District Judge. (CR-97-46-5)

Submitted: April 17, 2003

Decided: April 22, 2003

Before WIDENER, WILLIAMS, and MOTZ, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Stephen D. Herndon, Wheeling, West Virginia, for Appellant. Thomas E. Johnston, United States Attorney, David J. Perri, Assistant United States Attorney, Wheeling, West Virginia, for Appellee.

Unpublished opinions are not binding precedent in this circuit. See Local Rule 36(c).

PER CURIAM:

John Michael Liberto appeals the district court's order revoking his supervised release and imposing a nine month term of imprisonment, to be followed by twenty-seven months of supervised release. Liberto asserts the district court abused its discretion by revoking his supervised release for failure to meet the conditions of his release because his failures were not volitional. We have reviewed the record and find no abuse of discretion. We also find the district court complied with 18 U.S.C. § 3583(e)(3) (2000), in its revocation of Liberto's supervised release. Accordingly, we affirm the judgment of the district court. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

AFFIRMED