

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 05-4104

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

THOMAS E. FARRIS,

Defendant - Appellant.

Appeal from the United States District Court for the Southern District of West Virginia, at Huntington. Robert C. Chambers, District Judge. (CR-03-212)

Submitted: July 14, 2005

Decided: July 22, 2005

Before WILKINSON, LUTTIG, and MOTZ, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Mary Lou Newberger, Federal Public Defender, Jonathan D. Byrne, OFFICE OF THE FEDERAL PUBLIC DEFENER, Charleston, West Virginia, for Appellant. Kasey Warner, United States Attorney, Stephanie L. Haines, Assistant United States Attorney, Huntington, West Virginia, for Appellee.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

In February 2004, Thomas E. Farris pled guilty to mail theft, in violation of 18 U.S.C. § 1708 (2000), and was sentenced to twelve months in prison followed by three years of supervised release. On September 23, 2004, Farris was released from prison and began serving his term of supervised release. On December 20, 2004, Farris appeared before the district court on a motion for revocation filed by his probation officer citing commission of a crime, failing to inform probation of an arrest, and excessively using alcohol. Farris disputed the claim that he committed a crime. The district court found by a preponderance of the evidence that Farris had, in fact, stolen a wallet. The court revoked Farris' supervised release and sentenced him to eighteen months in prison followed by six months of supervised release. We affirm.

We review a district court's decision to revoke a defendant's supervised release for an abuse of discretion. United States v. Copley, 978 F.2d 829, 831 (4th Cir. 1992). The district court need only find a violation of a condition of supervised release by a preponderance of the evidence. 18 U.S.C.A. § 3583(e)(3) (West 2000 & Supp. 2004). This Court reviews factual determinations informing the conclusion that a violation occurred for clear error. United States v. Carothers, 337 F.3d 1017, 1019 (8th Cir. 2003); United States v. Whalen, 82 F.3d 528, 532 (1st Cir. 1996). We have reviewed the record and find no reversible

error. Accordingly, we affirm. 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 decision process.

AFFIRMED