

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 07-4433

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

EDDIE GAMBLE,

Defendant - Appellant.

Appeal from the United States District Court for the Middle District of North Carolina, at Durham. N. Carlton Tilley, Jr. District Judge. (1:88-cr-00031-1; 1:88-cr-00043-1; 2:88-cr-00134-1)

Submitted: January 27, 2009

Decided: March 3, 2009

Before KING, SHEDD, and DUNCAN, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Michael W. Patrick, LAW OFFICE OF MICHAEL W. PATRICK, Chapel Hill, North Carolina, for Appellant. Anna Mills Wagoner, United States Attorney, Michael A. DeFranco, Assistant United States Attorney, Greensboro, North Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Eddie Gamble appeals the district court's judgment revoking his supervised release. For the reasons that follow, we affirm.

A decision to revoke a defendant's supervised release is reviewed for abuse of discretion. United States v. Pregent, 190 F.3d 279, 282 (4th Cir. 1999). The district court need only find a violation of a condition of supervised release by a preponderance of the evidence. 18 U.S.C. § 3583(e)(3) (2006). We review for clear error factual determinations underlying the conclusion that a violation occurred. United States v. Carothers, 337 F.3d 1017, 1019 (8th Cir. 2003).

The district court revoked Gamble's supervised release solely on the basis of Gamble's bank robbery conviction for an offense that occurred while Gamble was on supervised release. Gamble appealed separately from the bank robbery conviction. Gamble conceded that if this court upheld his bank robbery conviction, there would be no basis for challenging the revocation of his supervised release. This court subsequently upheld Gamble's bank robbery conviction. See United States v. Gamble, 290 F. App'x 592 (4th Cir.) (No. 07-4290), cert. denied, 129 S. Ct. 659 (2008).

Accordingly, we affirm the judgment revoking Gamble's term of supervised release. 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