

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 07-4799

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

JOHN CORDERO,

Defendant - Appellant.

Appeal from the United States District Court for the District of South Carolina, at Columbia. Joseph F. Anderson, Jr., Chief District Judge. (3:96-cr-00358-JFA-14)

Submitted: March 13, 2008

Decided: March 31, 2008

Before WILLIAMS, Chief Judge, and MICHAEL and MOTZ, Circuit Judges.

Affirmed by unpublished per curiam opinion.

David B. Betts, Columbia, South Carolina, for Appellant. Reginald I. Lloyd, United States Attorney, Mark C. Moore, Assistant United States Attorney, Columbia, South Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

John Cordero appeals the district court's order revoking his supervised release and sentencing him to a six-month term of imprisonment. On appeal, Cordero contends that the district court erred by revoking his supervised release because the government failed to prove that he knowingly used cocaine. We affirm.

Under 18 U.S.C.A. § 3583(g)(1) (West Supp. 2007), revocation of supervised release is mandatory if the defendant possessed a controlled substance in violation of the terms of his supervised release. Proof that a defendant intentionally used a controlled substance is sufficient to establish possession of that substance within the meaning of § 3583(g). United States v. Battle, 993 F.2d 49, 50 (4th Cir. 1993); see United States v. Clark, 30 F.3d 23, 26 (4th Cir. 1994). A 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. 2007); Johnson v. United States, 529 U.S. 694, 700 (2000). We have reviewed the record with these standards in mind and conclude that the district court did not abuse its discretion in revoking Cordero's supervised release. See United States v. Pregent, 190 F.3d 279, 282 (4th Cir. 1999) (stating standard of review).

Accordingly, we affirm the district court's judgment. 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