

**UNPUBLISHED**

**UNITED STATES COURT OF APPEALS**

**FOR THE FOURTH CIRCUIT**

UNITED STATES OF AMERICA,

Plaintiff-Appellee.

v.

No. 96-4716

JAMES G. HAYDEN,

Defendant-Appellant.

Appeal from the United States District Court  
for the Southern District of West Virginia, at Huntington.  
Robert J. Staker, Senior District Judge.  
(CR-90-205)

Submitted: January 21, 1997

Decided: February 10, 1997

Before ERVIN, WILKINS, and LUTTIG, Circuit Judges.

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Affirmed by unpublished per curiam opinion.

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**COUNSEL**

Hunt L. Charach, Federal Public Defender, Edward H. Weis, First  
Assistant Federal Public Defender, Charleston, West Virginia, for  
Appellant. Rebecca A. Betts, United States Attorney, Ray M. Shep-  
ard, Assistant United States Attorney, Huntington, West Virginia, for  
Appellee.

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Unpublished opinions are not binding precedent in this circuit.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

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## OPINION

### PER CURIAM:

James G. Hayden was sentenced to twenty-four months' imprisonment after a hearing to revoke his period of supervised release\* following his conviction on state charges. Hayden argues that the imposition of a separate sentence as a consequence of violating the terms of his supervised release was multiplicitous with his state sentence and a violation of his rights against double jeopardy. Finding no error, we affirm.

Congress explicitly authorized punishment for violation of the terms of supervised release in 18 U.S.C. § 3583(e) (1994) (the court may "revoke a term of supervised release, and require the defendant to serve in prison all or part of the term of supervised release"). Moreover, this issue has been resolved against Hayden in United States v. Woodrup, 86 F.3d 359 (4th Cir.), cert. denied, \_\_\_ U.S. \_\_\_, 65 U.S.L.W. 3294 (U.S. Oct. 15, 1996) (No. 96-6025).

We therefore affirm the findings and sentence 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

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\*Hayden was serving a period of supervised release pursuant to a prior federal conviction when he committed the offenses in question.