

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 01-10603
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

DARRYL RAY NEWTON,

Defendant-Appellant.

- - - - -
Appeal from the United States District Court
for the Northern District of Texas
(4:94-CR-71-2-A)

- - - - -
November 29, 2001

Before HIGGINBOTHAM, WIENER, and BARKSDALE, Circuit Judges.

PER CURIAM:*

Defendant-Appellant Darryl Ray Newton appeals the revocation of his supervised release pursuant to 18 U.S.C. § 3583(g). Newton admitted that he had violated the terms and conditions of his supervised release by using drugs, and his urinalysis test was positive for drugs. He was therefore subject to the mandatory revocation provision of 18 U.S.C. § 3583(g). See United States v. Smith, 978 F.2d 181 (5th Cir. 1992). The district court noted Newton's participation in drug treatment programs but found that his response to those programs was not favorable. See 18 U.S.C.

* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

§ 3583(d). The district court did not abuse its discretion in revoking Newton's supervised release. See 18 U.S.C. § 3583(e); see United States v. McCormick, 54 F.3d 214, 219 (5th Cir. 1995).

AFFIRMED.