

FILED

August 17, 2004

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 04-10605
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

CHARLES CLEVELAND NOWDEN,

Defendant-Appellant.

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 4:00-CR-34-ALL-Y

Before HIGGINBOTHAM, DAVIS, and PICKERING, Circuit Judges.

PER CURIAM:*

In this expedited appeal, Charles Cleveland Nowden challenges the district court's decision to revoke his supervised release. Nowden argues that the evidence was insufficient to establish that he violated the terms of supervised release. He challenges the credibility determinations made by the district court.

This court will not disturb the district court's credibility determinations on appeal. See United States v. Alaniz-Alaniz,

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

38 F.3d 788, 790 (5th Cir. 1994). The testimony offered by the probation officer was sufficient to establish by a preponderance of the evidence that Nowden violated the terms of supervised release. See 18 U.S.C. § 3583(e)(3); United States v. McCormick, 54 F.3d 214, 219 (5th Cir. 1995). Accordingly, the judgment is AFFIRMED.