

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 95-40912  
Summary Calendar

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UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

MANUEL CHAPA,

Defendant-Appellant.

- - - - -  
Appeal from the United States District Court  
for the Southern District of Texas  
USDC No. CR-C-91-137  
- - - - -

June 3, 1996

Before DAVIS, BARKSDALE and DeMOSS, Circuit Judges.

PER CURIAM:\*

Manuel Chapa appeals the revocation of his supervised release, pursuant to 18 U.S.C. § 3583(e)(3). He contends that he was denied due process, claiming that the Government did not list a pending criminal mischief charge in the petition to revoke supervised release or inform defense counsel of its existence, but that the district court nevertheless considered that charge in determining his sentence. Based upon our review of the record, we conclude

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\* Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

that there was no due process violation. See *United States v. Ayers*, 946 F.2d 1127, 1129 (5th Cir. 1991). Among other things, it does not appear that the district court considered the charge in issue in imposing sentence.

**AFFIRMED**