

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 02-40152
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

PRESTON EUGENE GRAHAM,

Defendant-Appellant.

Appeal from the United States District Court
for the Southern District of Texas
USDC No. C-95-CR-136-4

October 4, 2002

Before DAVIS, WIENER, and EMILIO M. GARZA, Circuit Judges.

PER CURIAM:*

Preston Eugene Graham appeals the district court's revocation of his supervised release and the sentence imposed following the revocation. Graham has not shown that the district court abused its discretion in revoking his supervised release. The evidence presented at the second revocation hearing supports the district court's determination that Graham assaulted and made terroristic threats to his wife, Melinda Graham. The district

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

court's credibility determinations are given deference because Graham has not shown that Melinda Graham's testimony is incredible as a matter of law. See United States v. Alaniz-Alaniz, 38 F.3d 788, 791 (5th Cir. 1994). Graham has not shown that the district court improperly considered the allegations made in the first revocation hearing in the revocation of his supervised release or the sentence imposed. Graham has also failed to show that the sentence imposed was in violation of law or plainly unreasonable. See United States v. Giddings, 37 F.3d 1091, 1093 (5th Cir. 1994). Accordingly, the district court's judgment is AFFIRMED.