

March 21, 2006

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

Charles R. Fulbruge III  
Clerk

---

No. 04-61066  
Summary Calendar

---

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

KENNY FRANKLIN EDMONSON,

Defendant-Appellant.

-----  
Appeal from the United States District Court  
for the Southern District of Mississippi  
USDC No. 3:01-CR-27-1  
-----

Before SMITH, GARZA and PRADO, Circuit Judges.

PER CURIAM:\*

Kenny Franklin Edmonson appeals the revocation of the term of supervised release imposed after his 2002 conviction for access device fraud. He contends that the evidence was insufficient to prove that he violated conditions of supervised release either by failing to report to his probation officer or by committing another crime.

Uncontested evidence showed that Edmonson was required to report to his probation officer in person but repeatedly failed

---

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

to do so. Edmonson has also failed to show that the district court incorrectly applied Mississippi law or made clearly erroneous factual findings by concluding, by a preponderance of the evidence, that Edmonson committed a Mississippi crime by writing at least one check on an account that was closed. See United States v. McCormick, 54 F.3d 214, 219 (5th Cir. 1995); United States v. Smith, 417 F.3d 483, 486-87 (5th Cir.), cert. denied, 126 S. Ct. 713 (2005). The district court did not abuse its discretion by revoking supervised release. See McCormick, 54 F.3d 219.

Edmonson has abandoned his contention that his sentence violated the rule of United States v. Booker, 543 U.S. 220 (2005).

The judgment of the district court is AFFIRMED.