

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

United States Court of Appeals
Fifth Circuit

FILED

July 9, 2008

No. 07-11306
Conference Calendar

Charles R. Fulbruge III
Clerk

UNITED STATES OF AMERICA

Plaintiff-Appellee

v.

JOSE MARIA PENA, JR

Defendant-Appellant

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 1:01-CR-26-ALL

Before JOLLY, CLEMENT, and OWEN, Circuit Judges.

PER CURIAM:*

Appealing the Judgment in a Criminal Case, Jose Maria Pena, Jr., raises arguments that are foreclosed by *United States v. Hinson*, 429 F.3d 114, 119 (5th Cir. 2005), which held that a defendant is not entitled to a jury trial to determine whether the terms of supervised release have been violated. The Government's motion for summary affirmance is GRANTED, and the judgment of the district court is AFFIRMED.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

