

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

United States Court of Appeals
Fifth Circuit

FILED

March 5, 2008

No. 07-10793
Conference Calendar

Charles R. Fulbruge III
Clerk

UNITED STATES OF AMERICA

Plaintiff-Appellee

v.

ADEKUNLE OLYUMUYIWA ADEYINKA

Defendant-Appellant

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 3:05-CR-20-ALL

Before KING, STEWART, and PRADO, Circuit Judges.

PER CURIAM:*

Appealing the Judgment in a Criminal Case, Adekunle Olyumuyiwa Adeyinka raises arguments that he concedes are foreclosed by *United States v. Marmolejo*, 915 F.2d 981, 983 (5th Cir. 1990), which explained that double jeopardy does not apply in supervised release revocation proceedings, and *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

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

release have been violated. The Government's motion for summary affirmance is GRANTED, and the judgment of the district court is AFFIRMED.