

August 20, 2003

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 02-41794
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

JESUS JORGE MELHAN,

Defendant-Appellant.

Appeal from the United States District Court
for the Southern District of Texas
USDC No. C-97-CR-106-2

Before JONES, WIENER, and BENAVIDES, Circuit Judges

PER CURIAM:*

Jesus Jorge Melhan's supervised release was revoked, and he appeals the denial of his motion to dismiss the revocation petition. Melhan argues that the almost five-year delay in executing the violator's warrant violated his Sixth Amendment right to a speedy trial.

The Sixth Amendment provides an accused the right to a speedy trial "[i]n all criminal prosecutions[.]" The revocation of supervised release is not a criminal proceeding. United

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

States v. Marmolejo, 915 F.2d 981, 983 (5th Cir. 1990). Thus, "the execution of a warrant for violation of supervised release is not subject to the Sixth Amendment's speedy trial requirement." United States v. Tippens, 39 F.3d 88, 89-90 (5th Cir. 1994).

AFFIRMED.