

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 02-50007
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

EDWARD LOUIS BROWN, JR., also known as Edward Lewis Brown,

Defendant-Appellant.

Appeal from the United States District Court
for the Western District of Texas
USDC No. W-97-CR-3-1

August 2, 2002

Before HIGGINBOTHAM, SMITH, and CLEMENT, Circuit Judges.

PER CURIAM:*

Edward Louis Brown, Jr., appeals the district court's revocation of his supervised release. He argues that the district court abused its discretion in revoking his supervised release because the Government failed to offer sufficient evidence to establish the alleged violations of the conditions of supervision.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

Supervised release may be revoked upon a finding, by a preponderance of the evidence, that a defendant violated a condition of his supervised release. See 18 U.S.C. § 3583(e)(3); United States v. McCormick, 54 F.3d 214, 219 (5th Cir. 1995). This court reviews the district court's decision for an abuse of discretion. See McCormick, 54 F.3d at 219.

In considering a challenge to the sufficiency of the evidence, this court views "the evidence and all reasonable inferences that may be drawn from the evidence in a light most favorable to the government." United States v. Alaniz-Alaniz, 38 F.3d 788, 792 (5th Cir. 1994) (internal citation omitted). Because of the clear conflicts between the testimony of the witnesses, the district court made implicit credibility determinations in reaching its decision. This court does not pass on a district court's determination as to the credibility of witnesses. Id. at 791. Accepting all reasonable credibility choices that tend to support the decision, the evidence, when viewed in its entirety, is sufficient to establish that Brown violated the conditions of his supervised release.

AFFIRMED.