

March 17, 2004

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 03-40308
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

RODOLFO GAMBOA, also known as Rudy Gamboa,

Defendant-Appellant.

Appeal from the United States District Court
for the Southern District of Texas
USDC No. C-03-CR-1-1

Before JONES, BENAVIDES, and CLEMENT, Circuit Judges.

PER CURIAM:*

Rodolfo Gamboa appeals the district court's revocation of his supervised release. He argues that revocation was error because it was based on unreliable and conflicting hearsay information that he had assaulted his wife.

The district court did not err in revoking Gamboa's supervised release. United States v. Alaniz-Alaniz, 38 F.3d 788, 792 (5th Cir. 1994). There was sufficiently reliable evidence in

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

the form of the police report, the assault victim's statement, and the testimony of the probation officer to support the district court's determination that Gamboa assaulted his wife. Id. at 791 & n.8. The judgment of the district court is AFFIRMED.