

October 19, 2005

Charles R. Fulbruge III  
Clerk

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 05-60155  
Summary Calendar

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UNITED STATES OF AMERICA

Plaintiff - Appellee

v.

MICHAEL L JOHNSON

Defendant - Appellant

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Appeal from the United States District Court  
for the Southern District of Mississippi  
USDC No. 5:99-CR-19-DCB  
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Before KING, Chief Judge, and SMITH and GARZA, Circuit Judges.

PER CURIAM:\*

Michael L. Johnson appeals following the revocation of his supervised release and the sentence imposed following his guilty plea conviction for being a felon in possession of a firearm. We affirm.

Johnson argues that the district court lacked jurisdiction to revoke his supervised release. He contends that at the time he allegedly violated the terms of his release he was under the jurisdiction of the Mississippi Department of Corrections ("MDOC") as a participant in the MDOC's Earned Release

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

Supervision ("ERS") Program and that his federal supervised release had not yet commenced.

We review de novo a district court's jurisdiction to revoke supervised release. United States v. English, 400 F.3d 273, 275 (5th Cir. 2005). We conclude from a plain reading of the relevant statutes that Johnson's federal supervised release commenced when he was released from confinement to the ERS program, and the district court did not lack jurisdiction to revoke the supervised release. See 18 U.S.C. § 3624(e); Miss. CODE ANN. § 47-5-138; cf. United States v. Lynch, 114 F.3d 61, 63-64 (5th Cir. 1997).

AFFIRMED.