

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 92-7470
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

JUAN SOLIS,

Defendant-Appellant.

- - - - -
Appeal from the United States District Court
for the Southern District of Texas
USDC No. CR-L-89-281-02
- - - - -

March 17, 1993

Before KING, HIGGINBOTHAM, and DAVIS, Circuit Judges.

PER CURIAM:*

Juan Solis argues that there was insufficient evidence to revoke his supervised release. He is incorrect.

A district court's determination regarding the revocation of supervised release is protected by the "clearly erroneous" rule. United States v. Montez, 952 F.2d 854, 859 (5th Cir. 1992). The Government was required to prove by a preponderance of the evidence that Solis violated the terms of his release. 18 U.S.C. § 3583(e)(3). Proof of a controlled substance offense may be

* Local Rule 47.5 provides: "The publication of opinions that have no precedential value and merely decide particular cases on the basis of well-settled principles of law imposes needless expense on the public and burdens on the legal profession." Pursuant to that Rule, the Court has determined that this opinion should not be published.

based upon circumstantial evidence. United States v. Smith, 978 F.2d 181, 182 (5th Cir. 1992).

Solis's connection to the marijuana was sufficiently established by the probation documents found in the trunk of the automobile and the identification made by Ermelinda Barron and Deborah Vargas.

At the revocation hearing, Solis testified that he and Barron had exchanged vehicles because the Buick did not run well. The district court found Solis's explanation of the events leading to his arrest to be implausible. Questions of credibility are not for this Court. United States v. Davis, 752 F.2d 963, 968 (5th Cir. 1985).

The presence of Solis's probation documents, his arrival at the checkpoint as foretold by Barron, and Vargas's confession amass to meet the "preponderance of the evidence" requirement of 18 U.S.C. § 3583(e)(3).

The decision of the district court is AFFIRMED.