

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 96-50055
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

LIGIA BALU, also known as Rita Dimici,
also known as Rita Dimuci, also known as
Sanel Stolzenberg, also known as
Chanel Stolzenberg, also known as
Chanel Solzenberg, also known as Sanel
Solzenberg, also known as Lidia Balu,

Defendant-Appellant.

Appeal from the United States District Court for the
Western District of Texas
USDC No. SA-90-CR-43-1

April 8, 1996

Before GARWOOD, WIENER and PARKER, Circuit Judges.

PER CURIAM:*

Ligia Balu appeals the district court's denial of her motion for modification of probation. Balu argues that the district court violated Fed. R. Crim. P. 32.1(b) by not holding a hearing on her motion to terminate probation. Rule 32.1(b) requires a hearing only if the proposed relief is not favorable to the defendant. In

* Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

this case, the proposed relief was favorable. That favorable relief was not granted does not mandate a hearing under Rule 32.1(b). Balu has shown no reversible error in the district court's denial of what is at least her third motion to terminate her probation. This court affirmed the denial of an earlier such motion by Balu on January 25, 1995. Balu's most recent previous motion was denied August 25, 1995, and reconsideration was denied September 1, 1995; no appeal was taken. Instead, the instant motion, asserting essentially the same grounds, was filed September 28, 1995. The district court clearly proceeded on the assumption that it had jurisdiction to grant the relief sought, and we also so assume (*arguendo*).

Balu's motion for expedited hearing is denied as unnecessary.

AFFIRMED.