

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 99-50177
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

ANTHONY LEON CEPHUS, also
known as Anthony L. Cephus,

Defendant-Appellant.

- - - - -
Appeal from the United States District Court
for the Western District of Texas
USDC No. W-97-CR-62-1
- - - - -

October 21, 1999

Before JOLLY, JONES, and BENAVIDES, Circuit Judges.

PER CURIAM:*

Anthony Leon Cephus 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 a nexus between himself and the plastic bag containing the "crack" cocaine found in his backyard.

Supervised release may be revoked upon a finding, by a preponderance of the evidence, that a defendant violated a

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

condition of his supervised release. 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. Id.

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). This court does not pass on a district court's determination as to the credibility of the witnesses. Id. at 791. Accepting all reasonable credibility choices that tend to support the judge's decision, the evidence, when viewed in its entirety, is sufficient to establish that Cephus violated the conditions of his supervised release. United States v. Cardenas, 748 F.2d 1015, 1020 (5th Cir. 1984).

AFFIRMED.