

United States Court of Appeals
for the Fifth Circuit

United States Court of Appeals
Fifth Circuit

FILED

February 7, 2025

Lyle W. Cayce
Clerk

No. 24-50136
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

GARY BROOKS,

Defendant—Appellant.

Appeal from the United States District Court
for the Western District of Texas
USDC No. 1:19-CR-90-1

Before KING, SOUTHWICK, and ENGELHARDT, *Circuit Judges*.

PER CURIAM:*

Gary Brooks appeals the decision of the district court revoking his term of supervised release and sentencing him to two years in prison with a three-year term of supervision. He contends the revocation was erroneous because it was based on evidence obtained in violation of the Fourth Amendment.

* This opinion is not designated for publication. *See* 5TH CIR. R. 47.5.

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The district court's decision to revoke supervised release is reviewed for abuse of discretion. *See United States v. Spraglin*, 418 F.3d 479, 480 (5th Cir. 2005). A district court does not abuse its discretion in revoking a term of supervision if a preponderance of the evidence satisfies the court that the defendant failed to comply with the conditions of his supervised release. *Id.*

This court has held that the exclusionary rule, which generally prohibits the use of evidence obtained in violation of the Fourth Amendment, does not apply to revocation proceedings in the absence of police harassment. *United States v. Montez*, 952 F.2d 854, 859 (5th Cir. 1992). Brooks fails to show that the district court clearly erred in finding there was no such harassment in this case. *See id.*

AFFIRMED.