

United States Court of Appeals for the Fifth Circuit

No. 25-11366
Summary Calendar

United States Court of Appeals
Fifth Circuit
FILED
September 15, 2026

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

DAVID LEO SEFCIK,

Defendant—Appellant.

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 4:20-CR-131-1

Before STEWART, RICHMAN, and HIGGINSON, *Circuit Judges*.

PER CURIAM:*

David Leo Sefcik appeals the revocation of his supervised release and the 12-month, within-guidelines sentence imposed following revocation. He contends that the district court erred in revoking his supervised release despite his multiple failed drug tests, urging that he should have been excepted from the 18 U.S.C. § 3583(g) mandatory revocation requirement and returned to treatment. He argues that the district court did not explicitly

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

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consider or give sufficient weight to the § 3583(d) treatment exception at his continued revocation hearing.

As an initial matter, the parties dispute whether Sefcik preserved his appellate argument by adequately raising it in the district court. We decline to resolve the question as Sefcik's complaint fails under even the more lenient abuse-of-discretion standard. *See United States v. Spraglin*, 418 F.3d 479, 480 (5th Cir. 2005).

The record establishes that the district court accurately stated the law concerning mandatory revocation and the treatment exception, granted the exception at the initial revocation hearing, and implicitly rejected Sefcik's request for a return to treatment at the reconvened hearing after he continued to violate the terms of his supervision by failing multiple additional drug tests, repeatedly possessing and using methamphetamine, and failing to return to or complete drug treatment. Sefcik cannot demonstrate any abuse of discretion on such a record. *See United States v. Morgan*, ____ F.4th ____, No. 26-30018, 2026 WL 2357893, at *3-4 (5th Cir. Aug. 14, 2026).

AFFIRMED.