

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 05-4983**

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UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

EDDIE LEE WILLIAMS,

Defendant - Appellant.

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Appeal from the United States District Court for the Eastern District of North Carolina, at Raleigh. James C. Fox, Senior District Judge. (CR-95-148)

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Submitted: April 28, 2006

Decided: June 5, 2006

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Before MICHAEL, KING, and DUNCAN, Circuit Judges.

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Affirmed by unpublished per curiam opinion.

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Thomas P. McNamara, Federal Public Defender, Devon L. Donahue, Assistant Federal Public Defender, Raleigh, North Carolina, for Appellant. Frank D. Whitney, United States Attorney, Anne M. Hayes, Jennifer P. May-Parker, Assistant United States Attorneys, Raleigh, North Carolina, for Appellee.

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Unpublished opinions are not binding precedent in this circuit. See Local Rule 36(c).

PER CURIAM:

Eddie Lee Williams appeals the revocation of his supervised release and resulting eight-month term of imprisonment. Williams contends that the district court erred in revoking supervised release and that the sentence was unreasonable. Finding no error, we affirm.

Williams was on supervised release when he failed to make court-ordered restitution payments and twice tested positive for marijuana use. The court modified Williams' sentence and placed him in a community corrections center for 180 days. He was terminated from the community corrections program based on his repeated failure to comply with the facility's rules regarding cell phone use or possession. After his termination from the program, the probation officer petitioned for revocation of supervised release based on the rules violations at the community corrections facility, as well as the previous drug use and failure to comply with the restitution order. At the revocation hearing, Williams admitted to all three violations, but argued that he had made significant progress. The court revoked his supervised release and sentenced him to eight months' imprisonment, in the middle of the advisory guidelines range and well below the twenty-four month statutory maximum. The court considered Williams' criminal history, his repeated violations of the terms of supervised release, his employment, and the policy statements in the

guidelines. Contrary to Williams' argument on appeal, the court did not err in considering the drug use and failure to pay restitution, which had earlier been considered in the modification of Williams' supervised release terms. Finally, even the non-criminal violation of the rules at the community corrections facility was, standing alone, adequate to support the revocation order. After reviewing the record, we conclude revocation was proper, and the sentence imposed by the district court was reasonable and was not an abuse of discretion.

Accordingly, we affirm the district court's judgment. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

AFFIRMED