

UNPUBLISHED

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 05-4880**

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UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

MARK ANTHONY RAMDASS,

Defendant - Appellant.

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Appeal from the United States District Court for the Eastern District of Virginia, at Alexandria. Leonie M. Brinkema, District Judge. (CR-97-320)

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Submitted: April 28, 2006

Decided: May 12, 2006

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Before WILKINSON, GREGORY, and DUNCAN, Circuit Judges.

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Affirmed by unpublished per curiam opinion.

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Frank W. Dunham, Jr., Federal Public Defender, Todd M. Richman, Assistant Federal Public Defender, Alexandria, Virginia, for Appellant. Paul J. McNulty, United States Attorney; Amanda M. O'Neil, Special Assistant United States Attorney; James L. Trump, Assistant United States Attorney, Alexandria, Virginia, for Appellee.

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Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Mark Anthony Ramdass appeals the district court's order revoking his supervised release and imposing an eighteen-month sentence on the basis that he violated the conditions of his supervised release by commission of a crime, failure to submit truthful and complete monthly supervision reports, and failure to notify the probation officer within seventy-two hours of changing residence. Finding no error, we affirm.

This court reviews a district court's judgment revoking supervised release and imposing a term of imprisonment for abuse of discretion. United States v. Davis, 53 F.3d 638, 642-43 (4th Cir. 1995). In exercising this discretion, the district court must consider the factors set forth in 18 U.S.C.A. § 3553(a) (West 2000 & Supp. 2005). See 18 U.S.C.A. § 3583(e) (West 2000 & Supp. 2005). The district court abuses its discretion when it fails or refuses to exercise its discretion or when its exercise of discretion is flawed by an erroneous legal or factual premise. See James v. Jacobson, 6 F.3d 233, 239 (4th Cir. 1993). To revoke supervised release, the district court need only find a violation of a condition of supervised release by a preponderance of the evidence. See 18 U.S.C.A. § 3583(e)(3).

We have reviewed the record and find that the district court did not abuse its discretion. Accordingly, we affirm the district court's judgment revoking Ramdass's supervised release.

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