

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

United States Court of Appeals  
Fifth Circuit

**FILED**

January 30, 2008

Charles R. Fulbruge III  
Clerk

\_\_\_\_\_  
No. 07-10940  
Conference Calendar  
\_\_\_\_\_

UNITED STATES OF AMERICA

Plaintiff-Appellee

v.

JAMES EARL MAGERS

Defendant-Appellant

\_\_\_\_\_  
Appeal from the United States District Court  
for the Northern District of Texas  
USDC No. 6:07-CR-38-1  
\_\_\_\_\_

Before REAVLEY, BENAVIDES, and ELROD, Circuit Judges.

PER CURIAM:\*

Appealing the Judgment in a Criminal Case, James Earl Magers raises arguments that are foreclosed by *United States v. Hinson*, 429 F.3d 114, 119 (5th Cir. 2005), which held that a defendant is not entitled to a jury trial to determine whether the terms of supervised release have been violated. The Government's motion for summary affirmance is GRANTED, and the judgment of the district court is AFFIRMED.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

