

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT**

United States Court of Appeals
Fifth Circuit

FILED

May 13, 2009

No. 08-50699

Summary Calendar

Charles R. Fulbruge III
Clerk

UNITED STATES OF AMERICA

Plaintiff-Appellee

v.

JULIUS JEJUAN HALL, also known as Julius Hall

Defendant-Appellant

Appeal from the United States District Court
for the Western District of Texas
USDC No. 6:05-CR-65-3

Before DAVIS, GARZA, and PRADO, Circuit Judges.

PER CURIAM:*

Julius JeJuan Hall appeals the district court's judgment revoking his supervised release and sentencing him to 16 months of imprisonment. Hall contends that the district court erred when it revoked his supervised release.

A district court may revoke a term of supervised release upon a finding, by a preponderance of the evidence, that the defendant violated a condition of supervised release. *See* 18 U.S.C. § 3583(e)(3). The district court's revocation

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

of supervised release is reviewed for an abuse of discretion. *See United States v. Grandlund*, 71 F.3d 507, 509 (5th Cir. 1995).

Regardless of whether the stop and detention of Hall violated the Fourth Amendment, the exclusionary rule does not apply to revocation of supervised release hearings absent a demonstration of police harassment. *United States v. Montez*, 952 F.2d 854, 857-59 (5th Cir. 1992). This record discloses no evidence of Hall having been so harassed. Accordingly, the district court did not abuse its discretion in revoking Hall's supervised release under the facts of this case.

AFFIRMED.