

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

No. 13-40759
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

July 22, 2014

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

NATHANIEL HOWARD THOMAS,

Defendant-Appellant

Appeal from the United States District Court
for the Eastern District of Texas
USDC No. 4:98-CR-14-27

Before HIGGINBOTHAM, DENNIS, and GRAVES, Circuit Judges.

PER CURIAM:*

Nathaniel Howard Thomas, federal prisoner # 07052-078, was convicted of conspiracy to possess with intent to distribute controlled substances, possession with intent to distribute and distribution of cocaine base, and distribution of a controlled substance within 1,000 feet of a playground. He was sentenced to concurrent 235-month prison terms on each count. He was also sentenced to a total of six years of supervised release. Pursuant to 18

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

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U.S.C. § 3582(c)(2), the district court reduced his sentence of imprisonment to 188 months.

Thomas was released to supervision on November 7, 2011, but his release was revoked because he had been convicted of failing to register as a sex offender in Collin County, Texas. The district court sentenced Thomas to 12 months of imprisonment and 60 months of supervised release. On appeal, Thomas makes no direct challenge to the district court's revocation of his supervised release or the sentence imposed on revocation. He argues, as he did in the district court, that his original conviction and sentence should be overturned on double jeopardy grounds. A defendant may not challenge the validity of his underlying conviction or his original sentence of supervised release on appeal from the revocation of supervised release. *United States v. Willis*, 563 F.3d 168, 170 (5th Cir. 2009). Thomas has shown no error in connection with his revocation proceedings.

The Government's motion for summary affirmance is GRANTED. The motion for an extension of time in which to file a brief is DENIED. The judgment of the district court is AFFIRMED.