

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 10-2778

United States of America,

*

Appellee,

* Appeal from the United States
* District Court for the
* Northern District of Iowa.

v.

*

Janson A. Jones, Sr.,

* [UNPUBLISHED]

*

Appellant.

*

Submitted: December 20, 2010

Filed: March 25, 2011

Before LOKEN, MURPHY, and BENTON, Circuit Judges.

PER CURIAM.

Janson Jones, Sr., challenges the district court's¹ revocation of his supervised release and the resulting revocation sentence. The district court specifically found a "new law violation" – an assault allegedly witnessed by a police officer. The district court's factual findings were not clearly erroneous in light of the court's decision to credit the testimony of the government's witnesses over that of Jones and his witness. *See United States v. Carothers*, 337 F.3d 1017, 1019 (8th Cir. 2003) (standard of review; because credibility determinations are virtually unreviewable on appeal,

¹The Honorable Linda R. Reade, Chief Judge, United States District Court for the Northern District of Iowa.

district court's conclusion that defendant committed assault was not clear error where court implicitly found accuser's testimony credible and defendant's testimony not credible).

This court affirms the judgment of the district court and grants counsel's motion to withdraw, subject to counsel informing Jones about procedures for seeking rehearing or filing a petition for certiorari.
