

JAN 26 2009

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>UNITED STATES OF AMERICA,</p> <p>Plaintiff - Appellee,</p> <p>v.</p> <p>DAVID LEROY MCCOVY,</p> <p>Defendant - Appellant.</p>
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No. 08-10168

D.C. No. 2:04-cr-00279-RLH

MEMORANDUM\*

Appeal from the United States District Court  
for the District of Nevada  
Roger L. Hunt, District Judge, Presiding

Submitted January 13, 2009\*\*

Before: O'SCANNLAIN, BYBEE, and CALLAHAN, Circuit Judges.

David Leroy McCovy appeals from the revocation of supervised release.

We have jurisdiction pursuant to 28 U.S.C. § 1291, and we affirm.

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\* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

\*\* The panel unanimously finds this case suitable for decision without oral argument. See Fed. R. App. P. 34(a)(2).

McCovy contends there was insufficient evidence to support the district court's finding that he violated the condition of supervised release prohibiting him from entering any gambling establishment. This contention lacks merit. *See United States v. Jeremiah*, 493 F.3d 1042, 1045 (9th Cir. 2007).

**AFFIRMED.**