

JUN 17 2010

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

TREMAINE MOORE,

Defendant - Appellant.

No. 09-10338

D.C. No. 2:06-cr-00402-FCD

MEMORANDUM*

Appeal from the United States District Court
for the Eastern District of California
Frank C. Damrell, District Judge, Presiding

Submitted May 25, 2010**

Before: CANBY, THOMAS, and W. FLETCHER, Circuit Judges.

Tremaine Moore appeals from the district court's order revoking his supervised release. We have jurisdiction under 28 U.S.C. § 1291, and we affirm.

Moore contends that the district court abused its discretion by revoking his

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

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

supervised release. The record reflects that the district court's determination that Moore violated his supervised release by possessing a firearm is supported by a preponderance of the evidence. *See* 18 U.S.C. § 3583(e)(3); *see also United States v. Daniel*, 209 F.3d 1091, 1094 (9th Cir. 2000).

AFFIRMED.