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OCT 01 2007

**CATHY A. CATTERSON, 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NOT FOR PUBLICATION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.

STANLEY LEE VANCE,

Defendant - Appellant.

No. 06-50596

D.C. No. CR-04-00311-TJH

MEMORANDUM*

Appeal from the United States District Court
for the Central District of California
Terry J. Hatter, District Judge, Presiding

Submitted September 24, 2007**

Before: CANBY, TASHIMA, and RAWLINSON, Circuit Judges.

Stanley Lee Vance appeals from the judgment revoking supervised release and imposing a 24-month suspended prison term and a 48-month term of supervised release. We have jurisdiction pursuant to 28 U.S.C. § 1291, and we affirm.

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

Vance challenges the district court's admission of a hearsay report at the revocation hearing without allowing him to cross-examine its author. Although defendants have a limited right to confront adverse witnesses prior to revocation of supervised release, *see Morrissey v. Brewer*, 408 U.S. 471, 489 (1972); *see also* Fed. R. Crim. P. 32.1(b)(2), the district court's use of the report, if error, was harmless beyond a reasonable doubt because the witness whose statement was being offered actually testified, *see United States v. Comito*, 177 F.3d 1166, 1170 (9th Cir. 1999).

AFFIRMED.