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**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NOT FOR PUBLICATION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.

NIGEL HUNTER,

Defendant - Appellant.

No. 07-30128

D.C. No. CR-99-00017-CCL

MEMORANDUM*

Appeal from the United States District Court
for the District of Montana
Charles C. Lovell, District Judge, Presiding

Submitted November 13, 2007**

Before: TROTT, W. FLETCHER, and CALLAHAN, Circuit Judges.

Nigel Hunter appeals from the district court's judgment revoking his 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.

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

Hunter contends that his supervised release should not have been revoked because he attended a drug and alcohol relapse program at the direction of his probation officer, after his admitted use of alcohol. This argument fails because attending a treatment program after a supervised release violation does not preclude a subsequent revocation petition based upon that violation. *See United States v. Shampang*, 987 F.2d 1439, 1443-44 (9th Cir. 1993). Moreover, there is no indication that Hunter was misled or promised that supervised release would not be revoked if he attended the treatment program. *Id.*

AFFIRMED.