

[DO NOT PUBLISH]

IN THE UNITED STATES COURT OF APPEALS

FOR THE ELEVENTH CIRCUIT

No. 10-10052
Non-Argument Calendar

FILED U.S. COURT OF APPEALS ELEVENTH CIRCUIT JULY 9, 2010 JOHN LEY CLERK

D.C. Docket No. 4:07-cr-00003-CDL-GMF-5

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

JAMES PARNELL ROBINSON,

Defendant - Appellant.

Appeal from the United States District Court for the
Middle District of Georgia

(July 9, 2010)

Before DUBINA, Chief Judge, MARCUS and ANDERSON, Circuit Judges.

PER CURIAM:

Appellant James Parnell Robinson appeals the district court's order

revoking his supervised release and imposing a term of imprisonment of nine months. On appeal, Robinson contends that the evidence at his revocation hearing was insufficient for the district court to conclude that he voluntarily departed the Avanti Wellness Center's treatment program and thereby violated the terms of his supervised release by failing to complete the program.

“Under 18 U.S.C. § 3583(e), a district court may, upon finding by a preponderance of the evidence that a defendant has violated a condition of supervised release, revoke the term of supervised release and impose a term of imprisonment.” *United States v. Sweeting*, 437 F.3d 1105, 1107 (11th Cir. 2006). We review for abuse of discretion a district court's decision to revoke supervised release. *United States v. Frazier*, 26 F.3d 110, 112 (11th Cir. 1994). We give deference to the district court's factual findings unless clearly erroneous. *See United States v. Almand*, 992 F.2d 316, 318 (11th Cir. 1993). We generally will not review the factfinder's determination of credibility. *See United States v. Copeland*, 20 F.3d 412, 413 (11th Cir. 1994).

The testimony of Tracy Arnold, a case manager at Avanti, establishes by a preponderance of the evidence that Robinson failed to complete the program at Avanti because he voluntarily left the program to seek medical treatment. Although Robinson contends that he was “constructively discharged,” the

district court found Arnold's testimony to be credible, so its conclusion that Robinson left on his own accord, even though he could have received the proper medical treatment at Avanti, was not clearly erroneous. Therefore, because Robinson failed to complete the program as required by the terms of his supervised release, we conclude that the district court did not abuse its discretion in revoking his supervised release. Accordingly, we affirm its order.

AFFIRMED.