

United States Court of Appeals for the Fifth Circuit

No. 24-11078
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

May 13, 2025

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

KALEN ANIJI GATLIN,

Defendant—Appellant.

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 4:22-CR-24-1

Before RICHMAN, DOUGLAS, and RAMIREZ, *Circuit Judges*.

PER CURIAM:*

Kalen Aniji Gatlin pleaded guilty to possession of a firearm by a convicted felon and was sentenced to thirty months of imprisonment and three years of supervised release. His supervised release was revoked, and he was sentenced to twenty-four months of imprisonment and one year of supervised release. On appeal, Gatlin argues that the district court violated

* This opinion is not designated for publication. *See* 5TH CIR. R. 47.5.

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his Sixth Amendment rights and Article III, Section 2 of the United States Constitution by revoking his supervised release for the commission of a new crime based on a preponderance of the evidence and without a jury trial. The Government has filed an unopposed motion for summary affirmance or, alternatively, for an extension of time to file its brief.

Gatlin correctly concedes that his argument is foreclosed. *See United States v. Hinson*, 429 F.3d 114, 117-19 (5th Cir. 2005) (holding that revocation of supervised release is not part of a criminal prosecution and therefore does not require a jury trial or proof beyond a reasonable doubt under the Sixth Amendment). Because summary affirmance is appropriate here, *see Groendyke Transp., Inc. v. Davis*, 406 F.2d 1158, 1162 (5th Cir. 1969), the Government's motion for summary affirmance is GRANTED, its alternative motion for an extension of time is DENIED, and the judgment of the district court is AFFIRMED.