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USA v. Keith Beck

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NOT PRECEDENTIAL

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 17-1709

UNITED STATES OF AMERICA

v.

KEITH BECK,
Appellant

On Appeal from the United States District Court
for the Western District of Pennsylvania
(D.C. Criminal Action No. 2-14-cr-00247-012)
District Judge: Honorable Mark R. Hornak

Submitted Under Third Circuit LAR 34.1(a)
January 16, 2018

Before: AMBRO, RESTREPO, and FUENTES, Circuit Judges

(Opinion filed: January 26, 2018)

OPINION*

AMBRO, Circuit Judge

* This disposition is not an opinion of the full Court and pursuant to I.O.P. 5.7 does not constitute binding precedent.

The Government met its burden of proving Beck violated the conditions of release on the basis of the positive drug test on January 11, 2017. *See* U.S.S.G. § 7B1.1. That test was listed on the Government's pre-hearing petition, thus any further notice deficiencies cannot amount to clear error for lack of prejudice. *See United States v. Olano*, 507 U.S. 725, 734 (1993). The District Court's judgment revoking Beck's supervised release is affirmed.