United States Court of Appeals
For the Eighth Circuit

No. 13-1273

United States of America

Plaintiff - Appellee

v.

Shannon E. Williams

Defendant - Appellant

Appeal from United States District Court
for the District of Nebraska - Omaha

Submitted: October 28, 2013
Filed: November 4, 2013
[Unpublished]

Before SMITH, MELLOY, and BENTON, Circuit Judges.

PER CURIAM.

Following the dismissal of a petition to revoke his supervised release, federal inmate Shannon Williams filed a motion in the district court[1] seeking attorney's fees

[1]The Honorable Lyle E. Strom, United States District Judge for the District of Nebraska.

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under the Hyde Amendment. See Pub. L. 105-119, Title VI § 617, 111 Stat. 2519 (reprinted in 18 U.S.C. § 3006A, historical and statutory notes) (in criminal case, court may award attorney's fees to prevailing party, where it finds position of United States was vexatious, frivolous, or in bad faith). The district court denied the motion, determining there was no evidence that the government's petition for revocation was vexatious, frivolous, or in bad faith. Williams appeals. Upon careful review, we conclude that the district court did not abuse its discretion in denying the motion for attorney's fees or the request for a hearing. See United States v. Porchay, 533 F.3d 704, 711 (8th Cir. 2008) (denial of attorney's fees under Hyde Amendment reviewed for abuse of discretion); United States v. Bowman, 380 F.3d 387, 390 (8th Cir. 2004) (per curiam) (denial of hearing on motion for attorney's fees under Hyde Amendment reviewed for abuse of discretion). Accordingly, we affirm. See 8th Cir. R. 47B.

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