

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT**

United States Court of Appeals
Fifth Circuit

FILED

October 4, 2013

Lyle W. Cayce
Clerk

No. 11-31018

Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

LOUIS CAO,

Defendant-Appellant

Appeal from the United States District Court
for the Middle District of Louisiana
USDC No. 3:08-CR-90-1

Before REAVLEY, JONES, and PRADO, Circuit Judges.

PER CURIAM:*

Louis Cao pleaded guilty to possession with intent to distribute 3,4-methylenedioxymethamphetamine (MDMA) and was sentenced to 151 months of imprisonment and three years of supervised release. He argues that his sentence should be vacated and the case remanded so that the district court may conform the written judgment to its oral pronouncement by removing a special condition of supervision requiring him to participate in a mental health program and assist in the cost of the treatment. The Government asserts that there is no

* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

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conflict between the written judgment and the oral pronouncement of sentence and that consideration of the issue is barred by a waiver provision in Cao's plea agreement.

It is unnecessary to address the waiver issue because the Government is correct that there is no conflict between the district court's oral pronouncement and its written judgment. *See United States v. Vega*, 332 F.3d 849, 852 (5th Cir. 2003).

AFFIRMED.