

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

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No. 14-40957  
Summary Calendar

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United States Court of Appeals  
Fifth Circuit

**FILED**

June 3, 2015

Lyle W. Cayce  
Clerk

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

CARLOS GIL-PEREZ,

Defendant-Appellant

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Appeal from the United States District Court  
for the Southern District of Texas  
USDC No. 7:12-CR-1471-1

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Before SMITH, WIENER, and ELROD, Circuit Judges.

PER CURIAM:\*

Defendant-Appellant Carlos Gil-Perez appeals the sentence imposed following the revocation of his supervised release. Specifically, he challenges the reimposition of a \$100 special assessment in the district court's written judgment.

We generally review revocation sentences under the "plainly unreasonable" standard of 18 U.S.C. § 3472. *United States v. Miller*, 634 F.3d

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\* 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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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841, 843 (5th Cir. 2011). A review of the transcript of the instant revocation hearing reflects that the district court's reimposition of the special assessment in the written judgment is contrary to its oral pronouncement and to evidence presented at the hearing. Therefore, as the government concedes, a conflict exists between the oral and written judgments. In such a situation, the oral pronouncement controls. *See United States v. Martinez*, 250 F.3d 941, 942 (5th Cir. 2001). We therefore modify the district court's judgment, striking the reimposed \$100 special assessment so that the written judgment conforms with the oral pronouncement, and we affirm the judgment as modified. *See 28 U.S.C. § 2106; United States v. Orduna-Perales*, 530 F. App'x 355, 356 (5th Cir. 2013).

AFFIRMED AS MODIFIED.