

REVISED August 17, 2015

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

United States Court of Appeals
Fifth Circuit

FILED

August 14, 2015

Lyle W. Cayce
Clerk

No. 15-40043
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

OSCAR RODRIGUEZ-ALBIR, also known as Oscar Rodriguez-Elvir,

Defendant-Appellant

Appeals from the United States District Court
for the Southern District of Texas
USDC No. 5:11-CR-222-1

Before DAVIS, JONES, and GRAVES, Circuit Judges.

PER CURIAM:*

Oscar Rodriguez-Albir appeals the district court's reimposition of a \$100 special assessment after the court revoked his supervised release. A review of the revocation hearing transcript reveals that the district court made no findings as to whether Rodriguez-Albir satisfied the special assessment imposed at his original sentencing and did not orally reimpose the special

* 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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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assessment. Thus, as the Government concedes, there is a conflict between the oral pronouncement and the written judgment, and the oral pronouncement controls. *See United States v. Martinez*, 250 F.3d 941, 942 (5th Cir. 2001). Accordingly, we VACATE IN PART and REMAND for the district court to delete the reimposition of the \$100 special assessment from the written judgment. *See* 28 U.S.C. § 2106.