

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

United States Court of Appeals  
Fifth Circuit

**FILED**

July 17, 2020

Lyle W. Cayce  
Clerk

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No. 19-40440  
Summary Calendar

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UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

HECTOR ANDRES RIOS,

Defendant-Appellant

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Appeal from the United States District Court  
for the Southern District of Texas  
USDC No. 1:18-CR-579-1

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Before KING, GRAVES, and WILLETT, Circuit Judges.

PER CURIAM:\*

Hector Andres Rios challenges the sentence imposed following his guilty plea conviction for possession with intent to distribute more than 100 kilograms of marijuana. Rios argues that the district court erred by including a special condition of supervised release in the written judgment that was not orally pronounced at sentence.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

No. 19-40440

We review challenges to conditions of supervised release for an abuse of discretion. *United States v. Huor*, 852 F.3d 392, 397 (5th Cir. 2017). The district court abused its discretion by requiring Rios to participate in an educational services program during his term of supervision regardless of whether he had obtained his GED because this special condition impermissibly broadened the orally pronounced special condition which required that Rios participate in an educational services program for the sole purpose of obtaining his GED if he had not already done so during his term of imprisonment. *See United States v. Rivas-Estrada*, 906 F.3d 346, 348, 350 (5th Cir. 2018); *United States v. Mudd*, 685 F.3d 473, 480 (5th Cir. 2012); *United States v. Mireles*, 471 F.3d 551, 558 (5th Cir. 2006). Accordingly, Rios's sentence is VACATED IN PART and REMANDED to the district court for the limited purpose of conforming the written judgment to the oral pronouncement of sentence.