

United States Court of Appeals
for the Fifth Circuit

No. 19-50922
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

August 17, 2020

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

JON WALTER MCGONAGILL,

Defendant—Appellant.

Appeal from the United States District Court
for the Western District of Texas
USDC No. 2:16-CR-237-1

Before HIGGINBOTHAM, JONES, and Costa, *Circuit Judges.*

PER CURIAM:*

Jon Walter McGonagill appeals the revocation of his supervised release, asserting that the district court erred in finding that he violated the condition of his supervised release prohibiting him from committing a new

* 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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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federal, state, or local crime. According to McGonagill, the district court relied on a bare allegation to find he committed a new crime.

Because McGonagill did not raise this argument in the district court, review is for plain error. *See United States v. Whitlaw*, 580 F.3d 256, 259 (5th Cir. 2009); *United States v. Jang*, 574 F.3d 263, 266 (5th Cir. 2009). To establish plain error, McGonagill must show a forfeited error that is clear or obvious and that affects his substantial rights. *See Puckett v. United States*, 556 U.S. 129, 135 (2009). If he makes such a showing, this court has the discretion to correct the error but only if it “‘seriously affect[s] the fairness, integrity, or public reputation of judicial proceedings.’” *Id.* (alteration in original) (quoting *United States v. Olano*, 507 U.S. 725, 736 (1993)).

Viewing the evidence in the light most favorable to the Government, there was sufficient evidence to find McGonagill violated the condition of his supervised release prohibiting him from committing a new federal, state, or local crime. *See United States v. Alaniz-Alaniz*, 38 F.3d 788, 792 (5th Cir. 1994). Contrary to McGonagill’s assertion that the district court relied on a bare allegation, the record reflects that the district court relied on a detailed description of the facts that led to his arrest. Thus, McGonagill has not shown a clear or obvious error. *Puckett*, 556 U.S. at 135. The district court’s judgment is AFFIRMED.