

United States Court of Appeals
for the Fifth Circuit

No. 21-40916
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

May 3, 2023

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

JASON MICHAEL EHRET,

Defendant—Appellant.

Appeal from the United States District Court
for the Southern District of Texas
USDC No. 2:16-CR-801-1

Before CLEMENT, GRAVES, and WILSON, *Circuit Judges.*

PER CURIAM:*

Jason Michael Ehret, former federal prisoner # 18467-479, was sentenced to an 87-month term of imprisonment and a lifetime term of supervised release following his plea of guilty to possession of child pornography. Ehret filed two motions in the district court pursuant to 18 U.S.C. § 3583(e)(2) seeking to modify the conditions of his supervised

* This opinion is not designated for publication. *See* 5TH CIR. R. 47.5.

No. 21-40916

release. The district court dismissed the motions based on its determinations that the motions were unripe and that they improperly challenged the conditions of supervised release as illegal or unconstitutional. Ehret now appeals the dismissal of these motions.

Requests for modification are premature or unripe if they are speculative or rest on contingent future events that may not occur as anticipated. *United States v. Carmichael*, 343 F.3d 756, 761 (5th Cir. 2003). Although, as Ehret notes, the district court did not explain in specific detail the precise basis for its lack-of-ripeness determination, we note that Ehret's term of supervised release did not begin until he was released from the custody of the Bureau of Prisons in December 2022, well after he filed the instant motions. *See United States v. Johnson*, 529 U.S. 53, 57 (2000). Ehret thus fails to show error in the district court's determination that his § 3583(e)(2) motions, which were filed approximately one year before he was released, were unripe. *See Carmichael*, 343 F.3d at 761.¹

In view of the foregoing, the decision of the district court is **AFFIRMED**. Ehret's motion for the appointment of counsel is **DENIED**.

¹ This disposition does not prejudice Ehret from moving to modify the conditions of his supervised release now that his term of supervised release has begun.