

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

No. 18-11058
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

May 6, 2019

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

OSCAR HERNANDEZ-DAVILA,

Defendant-Appellant

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 4:18-CR-51-1

Before JONES, HIGGINSON, and OLDHAM, Circuit Judges.

PER CURIAM:*

Oscar Hernandez-Davila was convicted of one count of illegal reentry into the United States and sentenced to serve 71 months in prison and a three-year term of supervised release. Now, he argues that the district court plainly erred by imposing a condition of supervised release requiring that he “permit a probation officer to visit [him] at any time at home or elsewhere and permit confiscation of any contraband observed in plain view of the probation officer.”

* 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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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As Hernandez-Davila concedes, because the argument is raised for the first time on appeal, review is for plain error. *See United States v. Vonn*, 535 U.S. 55, 58-59 (2002). To demonstrate plain error, one must show a forfeited error that is clear or obvious and that affects his substantial rights. *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 affects the fairness, integrity, or public reputation of judicial proceedings. *Id.* Hernandez-Davila has not met this standard. *See United States v. Cabello*, 916 F.3d 543, 544 (5th Cir. 2019).

AFFIRMED.