United States Court of Appeals
for the Fifth Circuit

No. 21-51078
Summary Calendar

United States of America,

Plaintiff—Appellee,

versus

Gabriel Lomali,

Defendant—Appellant.

Appeal from the United States District Court
for the Western District of Texas
USDC No. 4:21-CR-543-1

Before Wiener, Dennis, and Haynes, *Circuit Judges*.

Per Curiam:*

Gabriel Lomali appeals the sentence imposed following his guilty plea conviction for illegal reentry after removal, in violation of 8 U.S.C. § 1326. For the first time on appeal, he challenges a condition of his supervised release providing that, if the probation officer determines that Lomali

---

* Pursuant to 5th Circuit Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5th Circuit Rule 47.5.4.

presents a risk to another person, the probation officer may require him to notify the person of that risk and may contact the person to confirm that notification occurred. The Government has filed an unopposed motion for summary affirmance on the ground that Lomali's claim is foreclosed by our recent decision in *United States v. Mejia-Banegas*, 32 F.4th 450 (5th Cir. 2022).

Lomali contends the district court erred in imposing the risk-notification condition because it constitutes an impermissible delegation of judicial authority to the probation officer. *Mejia-Banegas* rejected this same argument, holding that the district court did not err, plainly or otherwise, by imposing the same condition. *Id.* at 451-52. The Government is thus correct that summary disposition is appropriate. *See Groendyke Transp., Inc. v. Davis*, 406 F.2d 1158, 1162 (5th Cir. 1969).

Accordingly, the Government's motion for summary affirmance is GRANTED, the Government's alternative motion for an extension of time to file a brief is DENIED as MOOT, and the district court's judgment is AFFIRMED.