

United States Court of Appeals for the Fifth Circuit

No. 23-50064
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

July 18, 2023

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

JAIME RAUL HERNANDEZ-ROLDAN,

Defendant—Appellant.

Appeal from the United States District Court
for the Western District of Texas
USDC No. 6:22-CR-131-1

Before HAYNES, GRAVES, and DUNCAN, *Circuit Judges.*

PER CURIAM:*

Jaime Raul Hernandez-Roldan pleaded guilty to illegal reentry into the United States in violation of 8 U.S.C. § 1326(a). The district court sentenced him to 21 months of imprisonment and one year of supervised release.

For the first time on appeal, Hernandez-Roldan challenges the condition of his supervised release which provides that, if the probation

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

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officer determines that Hernandez-Roldan presents a risk to another person, the probation officer may require Hernandez-Roldan to notify the person of that risk and may contact the person to confirm that notification occurred. Hernandez-Roldan contends that this condition constitutes an improper delegation of judicial authority to the probation officer. He concedes that his argument is foreclosed by our recent decision in *United States v. Mejia-Banegas*, 32 F.4th 450, 452 (5th Cir. 2022), but he raises the issue to preserve it for further review. The Government has filed an unopposed motion for summary affirmance, asserting that Hernandez-Roldan's claim is foreclosed by *Mejia-Banegas*. In the alternative, the Government requests an extension of time to file its brief.

We held in *Mejia-Banegas* that such a risk-notification condition did not impermissibly delegate judicial authority, plainly or otherwise. 32 F.4th at 451-52. The parties are thus correct that the issue is foreclosed, and the Government is correct that summary affirmance is appropriate. *See Groendyke Transp., Inc. v. Davis*, 406 F.2d 1158, 1162 (5th Cir. 1969). The Government's motion for summary affirmance is GRANTED, the district court's judgment is AFFIRMED, and the Government's alternative motion for an extension of time to file a brief is DENIED as MOOT.