

# United States Court of Appeals for the Fifth Circuit

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No. 24-50341  
Summary Calendar

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United States Court of Appeals  
Fifth Circuit

**FILED**

January 15, 2025

Lyle W. Cayce  
Clerk

UNITED STATES OF AMERICA,

*Plaintiff—Appellee,*

*versus*

KODY ROBERT EVANS,

*Defendant—Appellant.*

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Appeal from the United States District Court  
for the Western District of Texas  
USDC No. 4:23-CR-453-1

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Before KING, SOUTHWICK, and ENGELHARDT, *Circuit Judges*.

PER CURIAM:\*

Kody Robert Evans pleaded guilty to highspeed flight from an immigration checkpoint in violation of 18 U.S.C. § 758, and the district court sentenced him to 60 months of imprisonment and three years of supervised release. For the first time on appeal, Evans challenges a condition of supervised release providing that if his probation officer determines that he

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

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poses a risk to another person, the officer may require him to notify that person of the risk. Evans contends that this condition improperly delegates judicial authority to the probation officer.

As Evans correctly concedes, this issue is foreclosed by *United States v. Mejia-Banegas*, 32 F.4th 450, 452 (5th Cir. 2022). He raises the issue to preserve it for further review. The Government has filed an unopposed motion for summary affirmance and, alternatively, for an extension of time to file a merits brief.

Because summary disposition 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 Government's alternative motion for an extension of time to file a brief is DENIED, and the district court's judgment is AFFIRMED.