

United States Court of Appeals
for the Fifth Circuit

No. 20-10025
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

December 27, 2021

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

JULIO CARRIZAL-RAMOS,

Defendant—Appellant.

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 4:19-CR-179-1

Before KING, COSTA, and HO, *Circuit Judges.*

PER CURIAM:*

Julio Carrizal-Ramos appeals the sentence imposed following his conviction for illegal reentry after deportation, 8 U.S.C. § 1326(a) and (b)(1). In particular, he contends that the district court abused its discretion by including a standard condition of release in his judgment that prohibits him

* Pursuant to 5TH CIRCUIT RULE 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIRCUIT RULE 47.5.4.

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from frequenting places where controlled substances are illegally sold, used, distributed, or administered. He argues that the condition is not listed in the standard conditions of release set forth in the Guidelines Manual applicable to his case and that it should have been pronounced at sentencing.

Inclusion of the challenged condition in the written judgment conflicts with the oral pronouncement of sentence. *See United States v. Diggles*, 957 F.3d 551, 559-63 & n.5 (5th Cir.) (en banc), *cert. denied*, 141 S. Ct. 825 (2020); *United States v. Mireles*, 471 F.3d 551, 558 (5th Cir. 2006). Accordingly, we MODIFY the judgment to strike the condition and AFFIRM the judgment as MODIFIED.