

United States Court of Appeals
for the Fifth Circuit

United States Court of Appeals
Fifth Circuit

FILED

March 17, 2022

Lyle W. Cayce
Clerk

No. 21-40304
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

KEVIN E. RAMOS-ALVARENGA,

Defendant—Appellant.

Appeal from the United States District Court
for the Southern District of Texas
USDC No. 2:20-CR-783-1

Before DAVIS, JONES, and ELROD, *Circuit Judges.*

PER CURIAM:*

Kevin E. Ramos-Alvarenga was found guilty after a bench trial of conspiracy to transport undocumented aliens and transportation of an undocumented alien. He was sentenced to time served, which was 13 months in prison, and two years of supervised release. The district court's written

* Pursuant to 5TH CIRCUIT RULE 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIRCUIT RULE 47.5.4.

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judgment imposed 15 discretionary standard conditions of supervised release and a discretionary special condition of supervised release that Ramos-Alvarenga now challenges.

We review for abuse of discretion because these conditions of supervision were neither mandatory nor orally pronounced at sentencing. *See United States v. Diggles*, 957 F.3d 551, 559-63 (5th Cir.) (en banc), *cert. denied*, 141 S. Ct. 825 (2020); *United States v. Gomez*, 960 F.3d 173, 179 (5th Cir. 2020). The district court abused its discretion by imposing these conditions in the written judgment because they were not announced during the sentencing hearing or contained in documents adopted or referenced by the district court. *See Diggles*, 957 F.3d at 559-63; *United States v. Bigelow*, 462 F.3d 378, 383 (5th Cir. 2006).

Accordingly, the judgment of the district court is VACATED in part with respect to the 15 standard conditions of supervised release and one special condition of supervised release, and the matter is REMANDED to the district court for the entry of an amended written judgment free of these conditions, in conformity to the oral pronouncement of sentence.