

United States Court of Appeals
for the Fifth Circuit

United States Court of Appeals
Fifth Circuit

FILED

June 2, 2022

Lyle W. Cayce
Clerk

No. 21-50645
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

ASUNCION VIDANA-VIDANA,

Defendant—Appellant.

Appeal from the United States District Court
for the Western District of Texas
USDC No. 4:21-CR-138-1

Before JOLLY, WILLETT, and ENGELHARDT, *Circuit Judges.*

PER CURIAM:*

Appealing from a conviction and sentence for possession of marijuana with intent to distribute, Asuncion Vidana-Vidana challenges only a risk-notification condition of supervised release. The Government has filed an unopposed motion for summary affirmance on the ground that this claim is

* Pursuant to 5TH CIRCUIT RULE 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIRCUIT RULE 47.5.4.

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foreclosed by our recent decision in *United States v. Mejia-Banegas*, 32 F.4th 450 (5th Cir. 2022).

Vidana-Vidana contends that the district court erred in imposing the risk-notification condition because it constitutes an impermissible delegation of judicial authority. *Mejia-Banegas* rejected this same argument, holding that the district court did not err, plainly or otherwise, by imposing the same condition. 32 F.4th at 451-52. The Government is therefore correct that summary affirmance 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, and the district court's judgment is AFFIRMED.