

United States Court of Appeals  
for the Fifth Circuit

United States Court of Appeals  
Fifth Circuit

**FILED**

March 30, 2022

Lyle W. Cayce  
Clerk

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No. 21-50677  
Summary Calendar

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UNITED STATES OF AMERICA,

*Plaintiff—Appellee,*

*versus*

EFRAIN BARRAZA-MEZA,

*Defendant—Appellant.*

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Appeal from the United States District Court  
for the Western District of Texas  
USDC No. 4:21-CR-53-1

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Before SMITH, STEWART, and GRAVES, *Circuit Judges.*

PER CURIAM:\*

Efrain Barraza-Meza appeals the three-year term of supervised release imposed following his guilty plea conviction for possession with intent to distribute marijuana in violation of 21 U.S.C. § 841(a)(1) and (b)(1)(B). He argues that his term of supervised release was procedurally and substantively

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\* Pursuant to 5TH CIRCUIT RULE 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIRCUIT RULE 47.5.4.

No. 21-50677

unreasonable because U.S.S.G. § 5D1.1(c) provides that deportable aliens like him should not be sentenced to supervised release.

Because Barraza-Meza did not raise these arguments in the district court, our review is for plain error. *See United States v. Zarco-Beiza*, \_\_\_ F.4th \_\_\_, No. 21-40060, 2022 WL 203392, at \*2-3 (5th Cir. Jan. 24, 2022); *United States v. Mondragon-Santiago*, 564 F.3d 357, 361 (5th Cir. 2009). To establish plain error, Barraza-Meza must show a forfeited error that is clear or obvious and that affects his substantial rights. *See Puckett v. United States*, 556 U.S. 129, 135 (2009). If he makes such a showing, we have the discretion to correct the error but only if it “‘seriously affect[s] the fairness, integrity or public reputation of judicial proceedings.’” *Id.* (alteration in original) (quoting *United States v. Olano*, 507 U.S. 725, 736 (1993)).

With respect to procedural reasonableness, Barraza-Meza asserts that the district court erred by failing to explain why it imposed supervised release despite the advice in § 5D1.1(c) that supervised release ordinarily should not be imposed on deportable aliens. According to Barraza-Meza, his qualification for safety-valve relief under 18 U.S.C. § 3553(f) and U.S.S.G. § 5C1.2 relieved the district court of any statutory obligation to impose supervised release and triggered the application of § 5D1.1(c). Given the absence of caselaw or other authority on this issue, Barraza-Meza has not shown any clear or obvious error. *See United States v. Rodriguez-Parra*, 581 F.3d 227, 231 (5th Cir. 2009). Moreover, even if the district court committed a clear or obvious error that affected Barraza-Meza’s substantial rights, we are unpersuaded that any procedural plain error in this case seriously affects the fairness, integrity, or public reputation of judicial proceedings such that remand is warranted. *See Puckett*, 556 U.S. at 135.

As to substantive reasonableness, Barraza-Meza’s three-year term of supervised release was within the applicable guidelines range. We apply a

No. 21-50677

rebuttable presumption of reasonableness to a within-guidelines sentence. *United States v. Cancino-Trinidad*, 710 F.3d 601, 607-08 (5th Cir. 2013). To rebut the presumption, Barraza-Meza must show that his sentence fails to account for a factor that should receive significant weight, gives significant weight to an irrelevant or improper factor, or represents a clear error of judgment in balancing the sentencing factors. *See United States v. Cooks*, 589 F.3d 173, 186 (5th Cir. 2009). Barraza-Meza has not made such a showing. *See id.*

Accordingly, the judgment of the district court is AFFIRMED.