

United States Court of Appeals  
for the Fifth Circuit

United States Court of Appeals  
Fifth Circuit

**FILED**

June 6, 2022

Lyle W. Cayce  
Clerk

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No. 21-50686  
Summary Calendar

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UNITED STATES OF AMERICA,

*Plaintiff—Appellee,*

*versus*

SEVERA LEANN AGUILAR,

*Defendant—Appellant.*

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Appeal from the United States District Court  
for the Western District of Texas  
USDC No. 7:21-CR-11-1

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

PER CURIAM:\*

Severa Leann Aguilar appeals the sentence imposed after her guilty plea conviction for possession with intent to distribute five grams or more of actual methamphetamine and for possession of a firearm in furtherance of a drug trafficking crime. Her sole appellate argument involves a challenge to a

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\* Pursuant to 5TH CIRCUIT RULE 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIRCUIT RULE 47.5.4.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. 21-50686

standard condition of supervised release. The condition set forth, inter alia, that Aguilar’s probation officer may decide whether Aguilar presents a risk to another person and, if so, may require Aguilar to notify the person of that risk. According to Aguilar, this supervised-release condition constitutes an impermissible delegation of judicial authority to the probation officer.

Without opposition, the Government has filed a motion for summary affirmance. The Government contends that Aguilar’s claim is foreclosed by our recent decision in *United States v. Mejia-Banegas*, 32 F.4th 450 (5th Cir. 2022).

In *Mejia-Banegas*, we rejected the specific argument that Aguilar raises as to the risk-notification condition. *Mejia-Banegas*, 32 F.4th at 451-52. We held that there was no error, plain or otherwise, because the condition “does not impermissibly delegate the court’s judicial authority to the probation officer.” *Id.* at 452. Accordingly, the Government is correct that summary affirmance is appropriate. *See Groendyke Transp., Inc. v. Davis*, 406 F.2d 1158, 1162 (5th Cir. 1969).

Thus, the Government’s unopposed 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.