

United States Court of Appeals  
for the Fifth Circuit

United States Court of Appeals  
Fifth Circuit

**FILED**

June 23, 2022

Lyle W. Cayce  
Clerk

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No. 21-50968  
Summary Calendar

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UNITED STATES OF AMERICA,

*Plaintiff—Appellee,*

*versus*

DANIEL MANRIQUEZ-NUNEZ,

*Defendant—Appellant.*

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Appeal from the United States District Court  
for the Western District of Texas  
USDC No. 4:21-CR-405-1

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

PER CURIAM:\*

Daniel Manriquez-Nunez appeals the sentence imposed after his guilty plea conviction for illegal reentry into the United States, in violation of 8 U.S.C. § 1326(a) and (b)(1). For the first time on appeal, he challenges the condition of his supervised release which states that, if the probation officer

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\* Pursuant to 5TH CIRCUIT RULE 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIRCUIT RULE 47.5.4.

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determines that Manriquez-Nunez presents a risk to another person, the probation officer may require Manriquez-Nunez to notify the person of that risk and may contact the person to confirm that notification occurred. He contends that the condition constitutes an impermissible delegation of judicial authority to the probation officer.

The Government has filed an unopposed motion for summary affirmance in which it contends that the sole issue on appeal 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 Manriquez-Nunez raises regarding the risk-notification condition. *See id.* at 451-52. Accordingly, the Government is 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.