

United States Court of Appeals for the Fifth Circuit

No. 22-10453
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

February 15, 2023

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

MAXWELL DAVID WILSON,

Defendant—Appellant.

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 5:21-CR-125-1

Before HIGGINBOTHAM, GRAVES, and HO, *Circuit Judges.*

PER CURIAM:*

Maxwell David Wilson appeals his sentence for distribution of child pornography. We pretermitt consideration of the applicability of the appeal waiver in his plea agreement. *See United States v. De Leon*, 915 F.3d 386, 289 n.2 (5th Cir. 2019).

* This opinion is not designated for publication. *See* 5TH CIR. R. 47.5.

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Given Wilson’s history of direct sexual abuse of a child, he has not shown that the imposition of a condition of supervised release limiting his contact with minors was plain error. *See Puckett v. United States*, 556 U.S. 129, 135 (2009); *United States v. Cabello*, 33 F.4th 281, 291 (5th Cir. 2022); *United States v. Ellis*, 720 F.3d 220, 223-24 (5th Cir. 2013). The challenged condition is not absolute, as it permits Wilson to have supervised contact with persons under the age of 18, and, with his probation officer’s permission, to work or volunteer where minors congregate and to have an intentional relationship with someone who has minor children. *Cf. United States v. Duke*, 788 F.3d 392, 401-03 (5th Cir. 2015).

The district court’s judgment is AFFIRMED.