

United States Court of Appeals
for the Fifth Circuit

No. 22-50431
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

November 2, 2022

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

RICARDO ALEJANDRO CASTRO-DIAZ,

Defendant—Appellant.

Appeal from the United States District Court
for the Western District of Texas
USDC No. 3:22-CR-50-1

Before WIENER, ELROD, and ENGELHARDT, *Circuit Judges.*

PER CURIAM:*

Defendant-Appellant Ricardo Alejandro Castro-Diaz pleaded guilty to illegal reentry in violation of 8 U.S.C. § 1326. The district court sentenced him to 48 months of imprisonment and three years of supervised release. For the first time on appeal, he challenges the condition of his supervised release

* Pursuant to 5TH CIRCUIT RULE 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIRCUIT RULE 47.5.4.

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which provides that, if the probation officer determines that Castro-Diaz presents a risk to another person, the probation officer may require Castro-Diaz to notify the person of that risk and may contact the person to confirm that notification occurred. The Government has filed an unopposed motion for summary affirmance, asserting that Castro-Diaz's claim is foreclosed by our recent decision in *United States v. Mejia-Banegas*, 32 F.4th 450 (5th Cir. 2022).

Castro-Diaz contends that the district court erred in imposing the risk-notification condition because it constitutes an impermissible delegation of judicial authority to the probation officer. In *Mejia-Banegas*, we 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 thus correct that summary disposition is appropriate. *See Groendyke Transp., Inc. v. Davis*, 406 F.2d 1158, 1162 (5th Cir. 1969).

The Government's motion for summary affirmance is GRANTED, and the district court's judgment is AFFIRMED.