

United States Court of Appeals for the Fifth Circuit

No. 24-40726
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

July 23, 2026

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

PAUL MICHAEL OLIVER,

Defendant—Appellant.

Appeal from the United States District Court
for the Eastern District of Texas
USDC No. 9:21-CR-8-1

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

PER CURIAM:*

Paul Michael Oliver appeals the denial of his motion for return of property in connection with the \$5,850 he agreed to forfeit as part of his plea agreement. He argues that the seizure of funds from his inmate trust account for the forfeiture of substitute property was a breach of the plea agreement

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

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because he reasonably understood that his forfeiture obligation would be satisfied by cash that was seized during his arrest in a related state case.

The purported breach is inconsistent with a reasonable understanding of the plea agreement. *See United States v. Escobedo*, 757 F.3d 229, 233 (5th Cir. 2014). The amount seized during his arrest and the amount he agreed to forfeit as a representation of proceeds he “would have obtained” from his federal offense are different amounts. Moreover, the phrase “would have obtained” is a reference to a hypothetical amount of money that Oliver could have acquired but did not. *See United States v. Cortez*, 413 F.3d 502, 503 (5th Cir. 2005). His assumptions about the meaning of the forfeiture provision do not render his understanding of the agreement reasonable. *See United States v. Pizzolato*, 655 F.3d 403, 409 (5th Cir. 2011).

As Oliver has not shown by a preponderance of the evidence that the seizure of his funds breached the plea agreement, the district court did not err by denying his motion for return of property. *See id.*; *United States v. Robinson*, 434 F.3d 357, 361 (5th Cir. 2005). Nor can we say the decision to deny his motion without hearing was an abuse of discretion. *See United States v. Harrelson*, 705 F.2d 733, 737 (5th Cir. 1983).

AFFIRMED.