

United States Court of Appeals
for the Fifth Circuit

No. 25-11160

United States Court of Appeals
Fifth Circuit

FILED

September 2, 2026

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

ERIC DAN DOMINGUEZ,

Defendant—Appellant.

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 5:24-CR-133-1

Before JONES, SOUTHWICK, and WILLETT, *Circuit Judges*.

PER CURIAM:*

Eric Dominguez failed to register as a sex offender under the Sex Offender Registration and Notification Act (SORNA). After pleading guilty, he stipulated that his offense was a Tier III violation under SORNA. The district court sentenced him to 15 months in prison and five years of supervised release. He now appeals his Tier III classification and the district court's requirement that he take prescribed mental-health medication as a

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

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condition of his supervised release. We AFFIRM the Tier III classification and DISMISS WITHOUT PREJUDICE his challenge to the supervised-release condition as unripe.

I. BACKGROUND

In 1996, a California jury convicted Dominguez of two counts of continuous sexual abuse of a child under the age of 14 and one count of lewd or lascivious acts upon or with the body of a child under the age of 14. Those convictions required Dominguez to register as a sex offender. He last registered as a sex offender in California in November 2022. Around November 2023, Dominguez moved to Lubbock, Texas without notifying authorities in either state.

Throughout 2024, Lubbock police responded to calls at Dominguez's house to resolve various disputes between him and his roommates. After those incidents, a sex-offender-registration coordinator investigated and discovered that Dominguez had failed to register. He was arrested on November 13, 2024, and charged with one count of failing to register as a sex offender under SORNA. Dominguez stipulated that his offense was a Tier III offense under SORNA and pleaded guilty.

On October 2, 2025, the district court sentenced Dominguez to 15 months in prison, followed by a five-year term of supervised release. As a condition of his supervised release, the district court required Dominguez to take any mental health "medications prescribed by a licensed physician." Dominguez objected to that condition because "he is required to take" a "plethora of medications" and feared potential complications from the "interaction between any mental health meds" and his current medications. The district court overruled his objection, noting that the prescribing physician would consider those concerns.

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Dominguez appealed. While this appeal was pending, he completed his prison term, but he remains subject to the five-year term of supervised release.

II. MOOTNESS

We begin, as always, with jurisdiction. *Casteneda v. Falcon*, 166 F.3d 799, 801 (5th Cir. 1999). Mootness is jurisdictional, and we review it de novo, “raising the issue *sua sponte* if necessary.” *United States v. Vega*, 960 F.3d 669, 672 (5th Cir. 2020). A case becomes moot only when it is impossible to grant any effectual relief to the prevailing party. *Knox v. Serv. Emps. Int’l Union, Loc. 1000*, 567 U.S. 298, 307 (2012). But if the parties have a concrete interest in the case, no matter how small, the case remains justiciable. *Id.* at 307–08. Relevant here, after a convict is released from prison, he must show “some concrete and continuing injury other than the now-ended incarceration or parole . . . if the suit is to be maintained.” *Spencer v. Kemna*, 523 U.S. 1, 7 (1998).

Dominguez’s Tier III classification has collateral consequences that keep his case alive. Tier III offenders must register with the relevant authorities for life. 34 U.S.C. § 20915(a)(3). Tier I and Tier II sex offenders, on the other hand, must register for 15 years or 25 years, respectively. *Id.* § 20915(a)(1), (2). Dominguez argues that the district court erred in classifying him as a Tier III sex offender. Although he has already been released from prison, a successful appeal would lessen the collateral consequences that accompany his conviction—*i.e.*, his required registration term. Dominguez’s appeal is therefore not moot.¹ See *United States v. Coleman*, 681 F. App’x 413, 415–16 (5th Cir. 2017) (per curiam).

¹ Because we conclude that the collateral consequences accompanying his classification as a Tier III offender keep his case alive, we need not address Dominguez’s

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III. TIER III CLASSIFICATION

Dominguez argues that the district court erred in classifying him as a Tier III sex offender under SORNA. The parties agree that, at minimum, Dominguez forfeited this argument. But the Government asserts that Dominguez affirmatively waived it. *See United States v. Arviso-Mata*, 442 F.3d 382, 384 (5th Cir. 2006) (“Forfeiture is the failure to make the timely assertion of a right; waiver is the intentional relinquishment of a known right.”). Alternatively, the Government contends that Dominguez, by stipulating to his Tier III classification, invited the error he now asserts.

“For the invited-error doctrine to apply, defendant (or his counsel) must have induced the error.” *United States v. Rodriguez*, 602 F.3d 346, 351 (5th Cir. 2010). We review invited errors for manifest injustice. *Id.* We conclude that Dominguez invited the alleged error, and that his classification as a Tier III offender was not manifestly unjust.

A. Dominguez Invited the Alleged Error

First, invited error. Dominguez stipulated in the factual resume that his “offense is a SORNA Tier III offense requiring lifetime registration.” At his guilty plea hearing, he affirmed that “everything set out in the factual resume is true and correct.” In calculating his Guidelines range, the PSR relied on Dominguez’s admission that “the facts he stipulated to in the Factual Resume are true and [that] he is guilty of this offense.” At sentencing, Dominguez did not object to the PSR. The district court then adopted “the PSR and the PSR addendum’s factual findings and legal

argument that his appeal is not moot because “[t]he district court may wish to modify [his] term of supervised release after applying the correct guideline range and reporting requirements.” Countenancing that argument would require us to decide whether the district court has the power to modify or terminate a mandatory supervised-release term. *See Coleman*, 681 F. App’x at 415–16 (noting that there is a circuit split on this issue).

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conclusions as [its] own,” and used the PSR to calculate the Guidelines range. Dominguez ultimately received a sentence at the bottom of the range.

Dominguez “did more than fail to object to the” Tier III classification—“he affirmatively recognized it was being applied and indicated it was proper.” *United States v. Fernandez-Cusco*, 447 F.3d 382, 384 (5th Cir. 2006). *See also United States v. Varela-Avila*, No. 22-30574, 2024 WL 125651, at *2 (5th Cir. Jan. 11, 2024) (finding invited error where defense counsel suggested the Sentencing Guidelines range and later “affirmed the application” of that range at the defendant’s sentencing hearing). Dominguez therefore invited the alleged error.

B. He Has Not Shown Manifest Injustice

“Manifest injustice occurs when the district court’s ‘error was so patent as to have seriously jeopardized the rights of the appellant.’” *United States v. Taylor*, 973 F.3d 414, 418 (5th Cir. 2020) (quoting *United States v. Lemaire*, 712 F.2d 944, 949 (5th Cir. 1983)). Dominguez “did not file a reply brief, so he did not respond to the Government’s assertion of invited error. Thus, he has made no attempt to argue manifest injustice.” *United States v. Mammoth*, 47 F.4th 394, 399 (5th Cir. 2022). Reviewing the record, we see no manifest injustice here.

To begin, we need not decide whether Dominguez’s California convictions independently qualify as Tier III offenses under SORNA. As there are substantial arguments supporting that classification, any error was not “so patent” as to constitute manifest injustice. *Lemaire*, 712 F.2d at 949.

Moreover, the Guidelines range was 15-21 months in prison, and Dominguez received 15 months. *See Varela-Avila*, 2024 WL 125651, at *2 n.2 (finding no manifest injustice where the defendant “was sentenced to a term at the lower end of the guideline range which had been calculated”). Also, in exchange for his guilty plea, “the government . . . agreed not to bring

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additional charges against” him. In other words, Dominguez benefitted from the Tier III stipulation and guilty plea. *See United States v. Solis*, 299 F.3d 420, 453 (5th Cir. 2002) (finding no manifest injustice where “there were clear strategic advantages” to a defendant’s decision to keep “prejudicial material from the jury, and the defendants received the benefit of their successful efforts to insulate the jury from this information”). Finally, Dominguez affirmed at his guilty-plea hearing that he pleaded guilty “on [his] own free will” and was not coerced or threatened into doing so. *See Mammoth*, 47 F.4th at 399 (finding no manifest injustice where a defendant “voluntarily” pled guilty “based on conversations between himself, standby counsel, and the prosecution”). These facts fall well short of establishing manifest injustice.

IV. SUPERVISED RELEASE CONDITION

Dominguez next argues that the district court erred in requiring him to take prescribed mental-health medications as a condition of his supervised release. He does not contend that any doctor has prescribed him medication under that condition. Dominguez concedes that our precedent forecloses this argument, and he raises it only “to preserve the issue for a future petition *en banc*, or, if necessary, a petition for writ of certiorari.” *See, e.g., United States v. Ellis*, 720 F.3d 220, 227 (5th Cir. 2013) (per curiam) (holding that such claims are “not ripe for review because [the defendant] may never be subjected to such medication or testing”). Accordingly, his challenge to the supervised-release condition is unripe.

V. CONCLUSION

We AFFIRM Dominguez’s Tier III classification and DISMISS WITHOUT PREJUDICE his challenge to his supervised-release condition as unripe.