United States Court of Appeals for the Fifth Circuit

United States Court of Appeals
Fifth Circuit
FILED
August 18, 2026
Lyle W. Cayce
Clerk

No. 25-20374
Summary Calendar

United States of America,

Plaintiff—Appellee,

versus

Paul Njoku,

Defendant—Appellant.

Appeal from the United States District Court
for the Southern District of Texas
USDC No. 4:21-CR-37-1

Before Haynes, Graves, and Ramirez, *Circuit Judges*.

Per Curiam:*

Paul Njoku was convicted of conspiracy to commit Medicare fraud, making false statements in matters involving Medicare, and aggravated identity theft. He argues for the first time on appeal that the evidence was insufficient to support his conviction for aggravated identity theft.

* This opinion is not designated for publication. *See* 5th Cir. R. 47.5.

Aggravated identity theft requires proof that Njoku, during and in relation to Medicare fraud, knowingly "use[d], without lawful authority, a means of identification of another person." 18 U.S.C. § 1028A(a)(1). The Supreme Court has clarified that not every use of another person's means of identification "during" fraud is also "in relation to" the fraud such that it qualifies as aggravated identity theft. *Dubin v. United States*, 599 U.S. 110, 114 (2023).

Njoku's argument that the use of patient identifying information was not at the crux of his fraud misses the mark, as his aggravated identify theft conviction was based on his forging of a nurse's signature on Medicare billing submissions. While we have not yet determined whether forging a nurse's signature falls within the ambit of aggravated identify theft in relation to healthcare fraud, the lack of precedent and Njoku's complete failure to challenge the government's theory of the case demonstrates the lack of plain error. *See United States v. Yusuf*, 57 F.4th 440, 444 (5th Cir. 2023); *United States v. Gonzalez*, 792 F.3d 534, 538 (5th Cir. 2015); *United States v. Scroggins*, 599 F.3d 433, 446-47 (5th Cir. 2010).

AFFIRMED.