

United States Court of Appeals
for the Fifth Circuit

United States Court of Appeals
Fifth Circuit

FILED

September 8, 2026

Lyle W. Cayce
Clerk

No. 25-30490

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

BRANDON TURNER,

Defendant—Appellant.

Appeal from the United States District Court
for the Eastern District of Louisiana
USDC No. 2:24-CR-140-1

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

PER CURIAM:*

Brandon Turner pled guilty to possessing with intent to distribute fentanyl and cocaine hydrochloride, possessing a firearm in furtherance of a drug-trafficking crime, and possessing a firearm after a felony conviction.

At sentencing, the district court stated that Turner would have to undergo random urinalyses and would be required to participate in a substance-abuse program if he tested positive for the use of illegal narcotics.

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

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The written judgment, however, requires Turner to participate in a substance-abuse program without regard for the precondition of a failed urinalysis. “Where there is an actual conflict between the district court’s oral pronouncement of sentence and the written judgment, the oral pronouncement controls.” *United States v. Pelayo-Zamarripa*, 81 F.4th 456, 459 (5th Cir. 2023) (quoting *United States v. Mireles*, 471 F.3d 551, 557 (5th Cir. 2006)). The Government agrees that there is an actual conflict between the district court’s oral pronouncement and written judgment regarding this special condition of supervised release.

We VACATE the judgment only insofar as it omits the precondition of a failed urinalysis. We otherwise AFFIRM the judgment. The case is REMANDED to the district court for the entry of an amended written judgment that conforms with the orally pronounced condition of supervised release.