

# United States Court of Appeals for the Fifth Circuit

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No. 25-30578  
Summary Calendar

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United States Court of Appeals  
Fifth Circuit

**FILED**

February 10, 2026

Lyle W. Cayce  
Clerk

UNITED STATES OF AMERICA,

*Plaintiff—Appellee,*

*versus*

TALYA SMITH,

*Defendant—Appellant.*

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Appeal from the United States District Court  
for the Eastern District of Louisiana  
USDC No. 2:24-CR-216-1

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

PER CURIAM:\*

Talya Smith appeals the sentence imposed by the district court following his guilty plea conviction for possession with the intent to distribute tapentadol and marijuana. At sentencing, the district court sentenced Smith to 18 months in prison to be served concurrently with any sentences resulting from two pending state revocation proceedings. In the written judgment, the

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

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district court imposed 18 months in prison to be served concurrently to one criminal case pending in Orleans Parish. Smith argues, and the Government concedes, that the written judgment should be amended to conform to the oral pronouncement. As Smith did not have the opportunity to object to this conflict in the district court, we review for abuse of discretion. *See United States v. Baez-Adriano*, 74 F.4th 292, 298 (5th Cir. 2023).

Based on the conflict, the written judgment must be amended to conform to the oral pronouncement. *See United States v. Prado*, 53 F.4th 316, 318 (5th Cir. 2022). Vacating and remanding the case to the district court for the entry of an amended judgment reduces “the risk of future confusion.” *United States v. Fuentes-Rodriguez*, 22 F.4th 504, 506 (5th Cir. 2022). Accordingly, the judgment is VACATED in part and REMANDED to the district court to amend the written judgment to conform with the oral pronouncement. In all other respects, the judgment is AFFIRMED. Smith’s unopposed motion for summary disposition or, alternatively, to expedite appeal is DENIED as unnecessary.