

United States Court of Appeals for the Fifth Circuit

No. 25-30585
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED
August 4, 2026

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

BENJAMIN THOMAS, III,

Defendant—Appellant.

Appeal from the United States District Court
for the Middle District of Louisiana
USDC No. 3:24-CR-30-1

Before DAVIS, STEWART, and DUNCAN, *Circuit Judges*.

PER CURIAM:*

Following a jury trial, Benjamin Thomas, III, was convicted of five counts of failure to truthfully account for and pay trust fund taxes and sentenced to serve 48 months in prison and a three-year term of supervised release. His challenges to the admission of evidence concerning his lifestyle and a letter are reviewed for plain error because he raises them for the first time in this appeal. *See Puckett v. United States*, 556 U.S. 129, 135 (2009).

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

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These challenges fail because, even if we assume without deciding that the disputed evidence should not have been admitted, review of the trial evidence shows that it did not affect the outcome of the proceeding. *See id.* Similarly, his cumulative error claim fails because, even assuming without deciding that the disputed evidence should not have been admitted, this is not the rare occasion in which fundamental fairness has been infringed, as there was substantial evidence of guilt. *See United States v. Delgado*, 672 F.3d 320, 344 (5th Cir. 2012).

His challenge to the denial of his requested jury instruction is likewise reviewed for plain error and likewise fails because, even if we assume without deciding that the requested instruction should have been given, review of the record shows no likelihood of the denial of the requested instruction making a difference between acquittal and conviction. *See United States v. Green*, 47 F.4th 279, 294 (5th Cir. 2022). The judgment of the district court is AFFIRMED.