

United States Court of Appeals
for the Fifth Circuit

United States Court of Appeals
Fifth Circuit

FILED

October 22, 2026

Thomas B. Plunkett, III
Clerk

No. 25-40718
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

MIGUEL ANGEL PUAC-RAMIREZ,

Defendant—Appellant.

Appeal from the United States District Court
for the Southern District of Texas
USDC No. 6:25-CR-43-1

Before BARKSDALE, WILLETT, and DOUGLAS, *Circuit Judges*.

PER CURIAM:*

Following a jury trial, Miguel Angel Puac-Ramirez was convicted of illegal reentry, in violation of 8 U.S.C. § 1326(a). He was sentenced 31 October 2025 to time served, followed by one year of supervised release. Challenging his within-Guidelines sentence, Puac contends the district

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

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court's imposition of a term of supervised release was both procedurally and substantively unreasonable.

To support his procedural-unreasonableness contention, he asserts the district court erred by failing to make an individualized finding that supervised release on a deportable alien was necessary and relying on a miscalculated Guidelines range of supervised release. Regarding his substantive-unreasonableness contention, he asserts the court erred by failing to give significant weight to the Guidelines presumption against supervision for deportable aliens, his lack of criminal history, and his immigration history.

Puac did not preserve his contentions in district court (which he also concedes). Because he failed to do so, our review is only for plain error. *E.g.*, *United States v. Broussard*, 669 F.3d 537, 546 (5th Cir. 2012). Under that standard, Puac must show a forfeited plain error (clear-or-obvious error, rather than one subject to reasonable dispute) that affected his substantial rights. *Puckett v. United States*, 556 U.S. 129, 135 (2009). If he makes that showing, we have the discretion to correct the reversible plain error, but generally should do so only if it “seriously affect[s] the fairness, integrity or public reputation of judicial proceedings”. *Id.* (citation omitted). For the following reasons, the requisite clear-or-obvious error has not been shown.

Puac contends the court procedurally erred by failing to provide an individualized explanation for imposing supervised release despite his status as a deportable alien. The Guidelines provide that supervised release ordinarily should not be imposed when it is not required by statute and defendant is an alien likely to be deported. U.S.S.G. § 5D1.1(c) (2024). A district court may impose supervised release if the circumstances warrant an additional measure of deterrence and protection. *See United States v. Dominguez-Alvarado*, 695 F.3d 324, 329 (5th Cir. 2012).

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Although the court did not expressly articulate case-specific reasons for imposing supervised release, it stated it considered the Guidelines and the 18 U.S.C. § 3553 factors. It also explained the immigration-related conditions of supervised release and warned Puac that violating those conditions could result in additional imprisonment. *See United States v. Cancino-Trinidad*, 710 F.3d 601, 607 (5th Cir. 2013) (recognizing district court’s warning that supervised release would result in greater criminal penalties for illegal reentry “indicate[d] implicit consideration of the deterrent effect” of supervised release).

Puac next contends the district court procedurally erred by relying on an incorrectly calculated Guidelines range of supervised release. Puac was convicted of a Class E felony, for which the applicable statute and Guidelines provide a maximum one-year term of supervised release. *See* 18 U.S.C. § 3583(b)(3); U.S.S.G. § 5D1.2(a)(3) (2024). Although the presentence investigation report (PSR) incorrectly identified the Guidelines range as one to three years, the court imposed a within-Guidelines one-year term of supervised release, and its statement of reasons reflected consideration of the Guidelines with no reference to the PSR. Accordingly, despite the court’s adopting the PSR’s factual findings, it did not expressly rely on the erroneous supervised-release calculation. Moreover, the one-year statutory maximum—which was correctly noted in the PSR—limited the permissible term of supervised release. *See* 18 U.S.C. 3583(b)(3).

Turning to Puac’s substantive-unreasonableness contention, he maintains the court failed to give sufficient weight to the Guidelines’ general recommendation against supervised release for deportable aliens, his lack of criminal history, and his immigration history. A rebuttable presumption of reasonableness applies to a within-Guidelines sentence. *See United States v. Vargas*, 21 F.4th 332, 337 (5th Cir. 2021); *see also Cancino-Trinidad*, 710 F.3d at 607–08 (applying presumption to within-Guidelines term of supervised

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release imposed on deportable alien). The presumption is rebutted only by showing the sentence failed to account for a factor deserving significant weight, gave significant weight to an irrelevant or improper factor, or reflected a clear error of judgment in balancing the sentencing factors. *Vargas*, 21 F.4th at 337.

The court adopted the PSR’s factual findings—which addressed Puac’s immigration history and lack of criminal history—and expressly stated it considered the Guidelines and § 3553 factors in imposing the sentence. Although § 5D1.1(c) ordinarily counsels against supervised release for deportable aliens, its recommendation is advisory. *See Dominguez-Alvarado*, 695 F.3d at 329 (“The word ‘ordinarily’ is hortatory, not mandatory, in this provision.”). Puac’s contention amounts only to disagreement with the district court’s weighing of the relevant considerations. *See United States v. Malone*, 828 F.3d 331, 342 (5th Cir. 2016) (disagreement with balancing of factors is insufficient for reversal).

AFFIRMED.