

United States Court of Appeals for the Fifth Circuit

United States Court of Appeals
Fifth Circuit

FILED

September 30, 2026

Lyle W. Cayce
Clerk

No. 25-50699
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

MICHAEL J. ROSEBERRY,

Defendant—Appellant.

Appeal from the United States District Court
for the Western District of Texas
USDC No. 6:25-CR-7-1

Before HAYNES, GRAVES, and RAMIREZ, *Circuit Judges*.

PER CURIAM:*

Michael J. Roseberry pleaded guilty to distributing visual depictions of a minor engaged in sexually explicit conduct, in violation of 18 U.S.C. § 2252(a)(2), and was sentenced to 168 months of imprisonment. He was also ordered to pay the \$5,000 special assessment required under the Justice for Victims of Trafficking Act (JVTA). For the first time on appeal, Roseberry contends that the district court erred in imposing the mandatory

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

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JVTA assessment, arguing that the district court should have postponed his sentencing date because the JVTA was set to expire 49 days later.

Roseberry fails to demonstrate that the imposition of the JVTA assessment was plainly erroneous. *See Puckett v. United States*, 556 U.S. 129, 135 (2009). First, he has abandoned, by failing to brief, any argument that the assessment did not apply to his offense. *See Yohey v. Collins*, 985 F.2d 222, 224-25 (5th Cir. 1993); *Beasley v. McCotter*, 798 F.2d 116, 118 (5th Cir. 1986). Next, because he points to no authority from this or any other court supporting his assertion that a district court's failure to continue sentencing to avoid application of an otherwise-applicable special assessment amounts to error, he fails to demonstrate any clear or obvious error. *See United States v. Buendia*, 73 F.4th 336, 341 (5th Cir. 2023). Finally, because the sunset date was extended and then eliminated, the JVTA assessment remained applicable to his offense, so Roseberry cannot show that the alleged error affected his substantial rights. *See Consolidated Appropriations Act*, Pub. L. No. 119-75, Div. I § 5012, 140 Stat. 173, 630 (2026); 18 U.S.C. § 3014; *see also United States v. Cancino-Trinidad*, 710 F.3d 601, 606 (5th Cir. 2013). To the extent that Roseberry asserts that counsel was ineffective for failing to seek a continuance of sentencing or object to the JVTA assessment, the record is insufficiently developed to allow consideration of the claim. *See United States v. Isgar*, 739 F.3d 829, 841 (5th Cir. 2014).

The district court's judgment is AFFIRMED.