

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT**

United States Court of Appeals
Fifth Circuit

FILED

August 17, 2010

Lyle W. Cayce
Clerk

No. 09-41056

Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

SOPHIA GABRIELLE VIEIRA,

Defendant-Appellant

Appeal from the United States District Court
for the Southern District of Texas
USDC No. 5:09-CR-317-1

Before DAVIS, SMITH, and WIENER, Circuit Judges.

PER CURIAM:*

Sophia Gabrielle Vieira pleaded guilty to conspiring to possess with intent to distribute more than 500 grams of cocaine, possessing with intent to distribute more than 500 grams of cocaine, and importing more than 500 grams of cocaine. The district court sentenced her to concurrent 60-month terms of imprisonment and imposed concurrent five-year terms of supervised release.

For the first time on appeal, Vieira argues that the district court impermissibly delegated its judicial authority and plainly erred by requiring, as

* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

a condition of supervised release, that she participate in a mental health program “as deemed necessary and approved by the probation officer.” In her reply brief, Vieira concedes that her arguments are foreclosed by *United States v. Bishop*, 603 F.3d 279 (5th Cir. 2010), *petition for cert. filed* (July 6, 2010) (No. 10-52980), but she raises them to preserve them for further review.

AFFIRMED.