

United States Court of Appeals
for the Fifth Circuit

United States Court of Appeals
Fifth Circuit

FILED

July 15, 2022

Lyle W. Cayce
Clerk

No. 21-50740
CONSOLIDATED WITH
No. 21-50750
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

DANIEL ALEJANDRO CARRASCO-LUJAN,

Defendant—Appellant.

Appeals from the United States District Court
for the Western District of Texas
No. 4:21-CR-124-1
No. 4:20-CR-200-1

Before SMITH, DENNIS, and SOUTHWICK, *Circuit Judges.*

PER CURIAM:*

Daniel Carrasco-Lujan's appeal of his sentence for illegal reentry after removal has been consolidated with his appeal of the judgment revoking the

* Pursuant to 5TH CIRCUIT RULE 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIRCUIT RULE 47.5.4.

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term of supervised release he was serving at the time of the offense. Because his appellate brief does not address the revocation or the revocation sentence, he abandons any challenge to it. *See Yohey v. Collins*, 985 F.2d 222, 224–25 (5th Cir. 1993).

For the first time on appeal, Carrasco-Lujan challenges the condition of his supervised release which states that, if the probation officer determines that Carrasco-Lujan presents a risk to another person, the probation officer may require Carrasco-Lujan to notify the person of that risk and may contact the person to confirm that notification occurred. Carrasco-Lujan contends that the condition constitutes an impermissible delegation of judicial authority to the probation officer.

The government has filed an unopposed motion for summary affirmance in which it contends that the sole issue on appeal is foreclosed by *United States v. Mejia-Banegas*, 32 F.4th 450, 451–52 (5th Cir. 2022), in which we rejected the specific argument that Carrasco-Lujan raises. Because summary disposition is appropriate, *see Groendyke Transp., Inc. v. Davis*, 406 F.2d 1158, 1162 (5th Cir. 1969), the government’s motion for summary affirmance is GRANTED, the government’s alternative motion for an extension of time to file its brief is DENIED, and the judgment is AFFIRMED.