

United States Court of Appeals for the Fifth Circuit

No. 22-50790
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

May 30, 2023

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

MATTHEW JACOB METZLER,

Defendant—Appellant.

Appeal from the United States District Court
for the Western District of Texas
USDC No. 4:22-CR-58-1

Before WIENER, ELROD, and ENGELHARDT, *Circuit Judges.*

PER CURIAM:*

Matthew Jacob Metzler pleaded guilty to production of child pornography. He was sentenced to 210 months of imprisonment and a life term of supervised release.

For the first time on appeal, Metzler challenges the condition of his supervised release providing that, if the probation officer determines that

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

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Metzler presents a risk to another person, the probation officer may require Metzler to notify the person of that risk and may contact the person to confirm that notification occurred. Although he concedes that his argument is foreclosed by our recent decision in *United States v. Mejia-Banegas*, 32 F.4th 450 (5th Cir. 2022), Metzler raises the issue to preserve it for further review. The Government has filed an unopposed motion for summary affirmance, asserting that Metzler's claim is foreclosed by *Mejia-Banegas*.

Metzler contends that the district court erred in imposing the risk-notification condition because it constitutes an impermissible delegation of judicial authority to the probation officer. *Mejia-Banegas* rejected this same argument, holding that the district court did not err, plainly or otherwise, by imposing the same condition. 32 F.4th at 451-52. The Government is thus correct that summary disposition is appropriate. See *Groendyke Transp., Inc. v. Davis*, 406 F.2d 1158, 1162 (5th Cir. 1969).

Accordingly, the Government's motion for summary affirmance is GRANTED, the Government's alternative motion for an extension of time to file a brief is DENIED, and the district court's judgment is AFFIRMED.