No. _____

In the

Supreme Court of the United States

_____

Derek Lyn Minger,

Petitioner,

v.

United States of America,

Respondent.

_____

On Petition for a Writ of Certiorari
to the United States Court of Appeals
for the Fifth Circuit

_____

PETITION FOR A WRIT OF CERTIORARI

_____

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QUESTION PRESENTED

The question presented is whether, consistent with 28 U.S.C. § 1291 and *United States v. Jose*, 519 U.S. 54 (1996), a court of appeals may dismiss as unripe a direct appeal challenging a supervised release condition in the final written judgment—here, a condition authorizing plethysmograph testing—because the condition's application depends on a later discretionary decision.

PARTIES TO THE PROCEEDING

Petitioner is Derek Lyn Minger, who was the Defendant-Appellant in the court below. Respondent, the United States of America, was the Plaintiff-Appellee in the court below.

RELATED PROCEEDINGS

- *United States v. Minger*, No. 3:03-cr-00243-S, U.S. District Court for the Northern District of Texas. Judgment entered on October 24, 2025.

- *United States v. Minger*, No. 25-11212, U.S. Court of Appeals for the Fifth Circuit. Judgment entered on July 28, 2026.

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PETITION FOR A WRIT OF CERTIORARI

Derek Lyn Minger seeks a writ of certiorari to review the judgment of the United States Court of Appeals for the Fifth Circuit.

OPINIONS BELOW

The Fifth Circuit's unpublished opinion is available at *United States v. Minger*, No. 25-11212, 2026 WL 2170862 (5th Cir. July 28, 2026). It is reprinted in Appendix A to this Petition. The district court's judgment and sentence in *United States v. Minger*, No. 3:03-cr-00243-S (N.D. Tex. October 24, 2025), is reprinted in Appendix B.

JURISDICTION

The Fifth Circuit entered judgment on July 28, 2026. This Court has jurisdiction pursuant to 28 U.S.C. § 1254(1).

PROVISIONS INVOLVED

Article III, Section 2 of the United States Constitution (in pertinent part):

> The judicial power shall extend to all cases, in law and equity, arising under this Constitution, the laws of the United States, . . . [and] to controversies to which the United States shall be a party….

U.S. Const. art. III, § 2, cl. 1.

Section 3583(d) of Title 18 of the United States Code (in pertinent part):

> (d)…The court may order, as a further condition of supervised release, to the extent that such condition—
>
> (1) is reasonably related to the factors set forth in section 3553(a)(1), (a)(2)(B), (a)(2)(C), and (a)(2)(D);
>
> (2) involves no greater deprivation of liberty than is reasonably necessary for the purposes set forth in section 3553(a)(2)(B), (a)(2)(C), and (a)(2)(D); and

> (3) is consistent with any pertinent policy statements issued by the Sentencing Commission pursuant to 28 U.S.C. 994(a);
>
> any condition set forth as a discretionary condition of probation in section 3563(b) and any other condition it considers to be appropriate . . . .

18 U.S.C. § 3583(d).

Section 3742(a)(1) of Title 18 of the United States Code:

> A defendant may file a notice of appeal in the district court for review of an otherwise final sentence if the sentence--(1) was imposed in violation of law.

18 U.S.C. § 3742(a)(1).

Section 1291 of Title 28 of the United States Code (in pertinent part):

> The courts of appeals (other than the United States Court of Appeals for the Federal Circuit) shall have jurisdiction of appeals from all final decisions of the district courts of the United States….

28 U.S.C. § 1291.

STATEMENT OF THE CASE

I. Facts and Proceedings in District Court

On December 9, 2003, Petitioner Derek Lyn Minger was convicted in the Northern District of Texas of bank fraud, in violation of 18 U.S.C. § 1344, and sentenced to 54 months imprisonment and five years of supervised release. ROA.47-52. He began his term of supervised release on December 7, 2007. ROA.173, ECF No. 38 [sealed], Pet. for Offender Under Supervision.

On April 21, 2011, U.S. Probation sought a violator's warrant. ROA.173, ECF No. 38 [sealed], Pet. for Offender Under Supervision. Minger was arrested on the

warrant May 10, 2011. ROA.71. On May 45, 2011, the district court found Minger violated two conditions of supervised release, sentenced Minger to "time served," and ordered Minger "continued on current term of Supervised Release." ROA.73-74. U.S. Probation later interpreted this judgment as a revocation and sentence of "15 days custody" followed by a reimposed "18-month term of supervised release." ROA.176, ECF No. 52 [sealed], Pet. for Offender Under Supervision.

On March 27, 2012, U.S. Probation sought another violator's warrant based on Minger's state arrest for violating Texas Penal Code § 22.011(A)(2). ROA.176, ECF No. 52 [sealed], Pet. for Offender Under Supervision. The district court ordered the issuance of a warrant on March 29, 2012. ROA.176, ECF No. 52 [sealed], Pet. for Offender Under Supervision. On July 3, 2012, Minger pleaded guilty in state court and received a 15-year state prison sentence. ROA.97.

On August 4, 2025, the federal violator's warrant was executed. ROA.95. The revocation hearing was held on September 2, 2025, before a U.S. Magistrate Judge. ROA.101. Minger pleaded true to violating his supervised release by committing the state offense. ROA.97-98, 124-25. The presiding judge recommended 28 months' imprisonment and 30 months' reimposed supervised release as a revocation sentence. ROA.102. The presiding judge also recommended a slew of additional conditions of supervised release, including:

> The defendant shall participate in sex offender treatment services as directed by the probation officer until successfully discharged. These services include psycho-physiological testing (i.e., clinical polygraph, plethysmograph, and the ABEL screen) to monitor the defendant's compliance,

> treatment progress, and risk to the community. The defendant shall contribute to the cost of services rendered (co-payment) at a rate of at least $25 per month.

ROA.103-06. The district accepted the recommendation over the defense's objection, including one focused against the penile plethysmograph portion of the above condition. ROA.112-13, ROA.179, ECF No. 71 [sealed], Def.'s Objs. to Magistrate Judge's Report and Recommendation on Revocation. The court's judgment thus set forth 28 months' imprisonment, 30 months reimposed supervised release, and, among others, this condition:

> The Defendant shall participate in sex offender treatment services as directed by the probation officer until successfully discharged. These services include psycho physiological testing (i.e., clinical polygraph, plethysmograph, and the ABEL screen) to monitor the defendant's compliance, treatment progress, and risk to the community. The Defendant shall contribute to the cost of services rendered (co-payment) at a rate of at least $25 per month.

Pet. App'x a007.

II. Appellate Proceedings

Minger reiterated his challenge to this condition on appeal, arguing that the condition violated both his constitutional rights and statutory requirements. That said, Minger acknowledged that the Fifth Circuit in *United States v. Ellis*, 720 F.3d 220, 227 (5th Cir. 2013), held that the court of appeals could not adjudicate his challenge due to a lack of ripeness. The government moved for summary affirmance based on *Ellis*, and the Fifth Circuit—again citing *Ellis*—summarily affirmed in an unpublished opinion. *United States v. Minger*, No. 25-11212, 2026 WL 2170862 (5th Cir. July 28, 2026) (reprinted at Pet. App'x a001–a002).

REASONS FOR GRANTING THIS PETITION

Minger's challenge would have proceeded to the merits in the First, Second, Third, Fourth, Ninth, Eleventh and D.C. Circuits. What is more, Minger can show a likelihood of success under the law of some these Circuits. But because he was convicted in the Fifth Circuit, Minger's appeal challenging the condition was summarily denied. This result both implicates a circuit split and cannot be reconciled with this Court's precedent.

I. Some circuits dismiss direct appeals from judgments authorizing plethysmograph testing as unripe, while others decide those challenges on the merits.

The circuits generally agree that conditions of supervised release are subject to immediate review on direct appeal. *See United States v. Sebastian*, 612 F.3d 47, 48–52 (1st Cir. 2010); *United States v. Villafane-Lozada*, 973 F.3d 147, 150–52 (2d Cir. 2020); *United States v. Loy*, 237 F.3d 251, 256 (3d Cir. 2001); *United States v. Ross*, 912 F.3d 740, 745–46 (4th Cir. 2019); *United States v. Paul*, 274 F.3d 155, 165 (5th Cir. 2001); *United States v. Blake*, 166 F.4th 611, 625 (6th Cir. 2026); *United States v. Rhodes*, 552 F.3d 624, 629 (7th Cir. 2009) ("We have entertained" "immediate[]appeal[s]" of "a condition of supervised release after sentencing" "on countless occasions."); *United States v. Bender*, 566 F.3d 748, 750 (8th Cir. 2009); *United States v. Williams*, 356 F.3d 1045, 1051 (9th Cir. 2004) (cleaned up) ("a defendant may challenge the legality of a supervised release condition by direct appeal"); *United States v. Mike*, 632 F.3d 686, 692 (10th Cir. 2011) (internal quotations omitted) ("[S]upervised release terms are directly appealable, despite the fact that they are subject to later modification, because they are part of the sentencing court's final orders.");

United States v. Zinn, 321 F.3d 1084, 1088–89 (11th Cir. 2003); *United States v. Love*, 593 F.3d 1, 11 (D.C. Cir. 2010).

Even so, "courts of appeal have issued inconsistent decisions on" "whether a defendant's challenge to a condition of supervised release is ripe when raised on direct appeal of the original sentence, or only becomes ripe on appeal of a judgment revoking supervised release or as part of a modification proceeding." U.S. Sent'g Comm'n, *Primer—Supervised Release* 26 (Aug. 2025), *available at* https://www.ussc.gov/sites/default/files/pdf/training/primers/2025_Primer_Supervised_Release.pdf (last accessed June 4, 2026). As applied to conditions concerning the administration of a penile plethysmograph, the Fifth, Sixth, Seventh, and Tenth Circuits have all dismissed appeals challenging such conditions as unripe. *See United States v. Ellis*, 720 F.3d 220, 227 (5th Cir. 2013); *United States v. Lee*, 502 F.3d 447, 449–51 (6th Cir. 2007); *Rhodes*, 552 F.3d at 627–29; *United States v. Bennett*, 823 F.3d 1316, 1325–27 (10th Cir. 2016).

By contrast, the First Circuit would have reached the merits of Minger's challenge. *See United States v. Medina*, 779 F.3d 55, 65–67 (1st Cir. 2015).[1] The Third and Fourth Circuits have adjudicated similar challenges too. *See United States v. Cotto*, 782 F. App'x 174, 179 (3d Cir. 2019); *United States v. Porowicz*, No. 21-2153, 2022 WL 2447434, at *1–2 (3d Cir. July 6, 2022); *United States v. Dotson*, 324 F.3d

[1] That said, the First Circuit has refused to address some challenges to conditions of supervised release on direct appeal due to a lack of ripeness. *See United States v. Hood*, 920 F.3d 87, 94 (1st Cir. 2019) (an "as-applied, Fifth Amendment-based challenge" is distinguishable from a "facial challenge" because it "necessarily depends on future factual contingencies" and "[f]or that reason, is not ripe for our review.")

256, 260–61 (4th Cir. 2003). In *United States v. Loy*, 237 F.3d 251, 253, 256–61 (3d Cir. 2001), the Third Circuit addressed a vagueness and overbreadth challenge to a pornography restriction, and it provided guidance on why ripeness did not bar review of the condition. First, the condition forced the defendant to either conform his conduct to the condition or risk reimprisonment, thus imposing a hardship. *Id.* at 257. Second, the issue was fit for judicial resolution because whether the condition provided sufficient notice was a purely legal question whose answer would not change regardless of later factual development. *Id.* at 258. Third, Congress intended that "direct appellate review be the preferred method of reviewing a district court's sentence." *Id.*

All three reasons counsel adjudication of Minger's claim on direct appeal too. First, the condition as it stands forces Minger either to submit to a penile plethysmograph or risk imprisonment if he declines to do so. Second, whether the record supports imposition of the treatment can be decided now. Lastly, denial of review may preclude *any* appellate review in the future. *See United States v. Caillier*, 80 F.4th 564, 567 (5th Cir. 2023) ("a district court does not have jurisdiction to modify conditions of supervised release on the grounds that those conditions were determined to be unlawful"); *United States v. Hinson*, 429 F.3d 114, 116 (5th Cir. 2005) ("Hinson may not, however, use an appeal of the revocation of her supervised release to attack her original sentence directly or collaterally in this proceeding"). *Accord United States v. Amin*, 85 F.4th 727, 736 (4th Cir. 2023) (internal quotations omitted) ("a defendant may not challenge the special conditions of his original term of supervised release

during later revocation proceedings" "because the person on supervised release could have raised the facial challenge earlier" "on direct appeal from the original conviction and sentence.").

What is more, Minger could prevail on the merits. The Ninth Circuit, for instance, has rejected that penile plethysmograph conditions are per se unlawful. *United States v. Weber*, 451 F.3d 552, 566 (9th Cir. 2006). But it has imposed rigorous factual prerequisites before a district court can lawfully impose such a condition. *See id.* at 566–68. And it has reversed the condition on direct appeal. *See United States v. Cope*, 527 F.3d 944, 954 (9th Cir. 2008) ("the government correctly concedes that we must remand this case back to the district court because it did not articulate, on the record, the necessary *Weber* findings with regard to the condition requiring Cope to submit to plethysmograph testing"); *United States v. Roybal*, 737 F.3d 621, 622, 624–25 (9th Cir. 2013).

The Second Circuit agrees that "even when dealing with convicted felons, '[t]here is a line at which the government must stop. Penile plethysmography testing crosses it.'" *United States v. McLaurin*, 731 F.3d 258, 261–62 (2d Cir. 2013) (citing *Weber*, 451 F.3d at 571 (Noonan, J., concurring)); *Weber*, 451 F.3d at 570 (Noonan, J., concurring) ("Judge Berzon's excellent opinion is deserving of support. I would, however, go beyond it to hold the Orwellian procedure at issue to be always a violation of the personal dignity of which prisoners are not deprived.").[2] And the D.C. Circuit has

[2] That said, the Second Circuit has declined to hear some challenges to conditions of supervised release on ripeness grounds. *See United States v. Balon*, 384 F.3d 38, 43, 46–47 (2d Cir. 2004).

cited the Second Circuit's position with approval. *See United States v. Rock*, 863 F.3d 827, 833 (D.C. Cir. 2017) (citing *McLaurin*, 731 F.3d at 260) (internal quotations omitted) (vacating a "penile plethysmograph testing condition on the grounds that the procedure implicates significant liberty interests and would require, at a minimum, a more substantial justification than other typical conditions of supervised release.").[3]

II. *United States v. Jose* makes clear that finality—not ripeness—governs appeals from final judgments; the decision below squarely contradicts that rule.

In any event, *United States v. Jose*, 519 U.S. 54 (1996), should settle the ripeness issue in Minger's favor. In *Jose*, the IRS filed an action to enforce a subpoena issued by its Civil Examinations Division against a recalcitrant trustee. *Id.* at 54–55. The district court ordered the trustee to comply with the subpoena but also ordered the IRS to "to give respondent five days' notice prior to any circulation or transfer of the summoned documents to any division of the IRS other than the Examination Division." *Id.* at 55. The IRS appealed the 5-day restriction to the Ninth Circuit. *Id.* "The Ninth Circuit correctly recognized that it had jurisdiction 'pursuant to 28 U.S.C. § 1291,' which authorizes appeals from 'final decisions'" but "dismissed the appeal 'as not ripe.'" *Id.* (quoting *United States v. Jose*, 71 F.3d 1484, 1485 (9th Cir. 1995)). "The record does not indicate that the Examination Division has…trigger[ed] the five-day

[3] As in the First Circuit, challenges to the implementation of a testing condition, in contrast to the validity of the condition on its face, may not be ripe for review in the Eleventh Circuit. *Zinn*, 321 F.3d at 1089, 1091–92.

notice requirement." *Id.* (quoting *Jose*, 71 F.3d at 1485). "Thus, any detrimental impact…is, at this time, purely speculative," and the "appeal is not ripe for review." *Id.* (quoting *Jose*, 71 F.3d at 1485).

The Court made short shrift of the Ninth Circuit's "cryptic declaration that the conditional enforcement order was not ripe for appeal." *Id.* at 57. "We think it clear…that the District Court's final order is indeed final," and "IRS summons enforcement orders *are* subject to appellate review." *Id.* at 56–57 (quoting *Church of Scientology of Cal. v. United States,* 506 U.S. 9, 15 (1992)) (emphasis in original). "Finality, not ripeness, is the doctrine governing appeals from district court to court of appeals." *Id.* at 57. "[T]he IRS is not obligated, first, to defy the District Court's order," or "to provide notice of its intention to transfer documents internally," "to gain access to appeal from the District Court's final decision[.]" *Id.* The Court reversed the Ninth Circuit's ripeness holding. *Id.*

The parallels between the 5-day condition in *Jose* and the condition allowing for penile plethysmograph here are striking. In *Jose*, the district court ordered the IRS to notify the taxpayer in the event it decided to share documents with other divisions of the IRS. Here, the district court ordered Minger to submit to a penile plethysmograph in the event his sex offender treatment provider wanted to utilize it. In *Jose*, the Ninth Circuit concluded the IRS's appeal was "speculative" and unripe because it was contingent on a future decision triggering the condition. Here, the Fifth Circuit decided that Minger's challenge was foreclosed by *Ellis*, which held that a

similar challenge was unripe because "Ellis may never be subjected to such medication or testing" since the testing's utilization was contingent on a future decision. *Ellis*, 720 F.3d at 227. Like the IRS in *Jose*, Minger also is "not obligated" "to defy" any order to submit to penile plethysmograph testing "to gain access to appeal" from that court's final decision allowing for the testing's administration. "Finality, not ripeness, is the doctrine governing appeals from district court to court of appeals." *Jose*, 519 U.S. at 57. Minger appealed a final judgment, and he is entitled to a ruling on his claim.[4]

CONCLUSION

Petitioner Derek Lyn Minger respectfully submits that this Court should grant *certiorari*, overrule *Ellis*, and remand for the Fifth Circuit to consider the merits of his challenge to the condition of supervised release allowing for the administration of a penile plethysmograph.

[4] *Ellis*, citing the Seventh Circuit's opinion in *Rhodes*, also pointed to 18 U.S.C. § 3583(e) to bolster its ripeness holding. *Ellis*, 720 F.3d at 227 (citing *Rhodes*, 552 F.3d at 628–29). But "the possibility of future modification has no bearing on whether the district court abused its discretion today." *United States v. Duke*, 788 F.3d 392, 401 (5th Cir. 2015) (citing *United States v. Ramos*, 763 F.3d 45, 61 (1st Cir. 2014)). More to the point, Minger cannot achieve the relief he seeks here through a § 3583(e) proceeding. *See Caillier*, 80 F.4th at 567 (district court has no jurisdiction to modify a condition of supervised release due to the condition's illegality on a § 3583(e) motion); *Hinson*, 429 F.3d at 116 (barring collateral attack to the underlying sentence in a revocation proceeding).

Respectfully submitted this 26th day of October, 2026.

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United States Court of Appeals for the Fifth Circuit

United States Court of Appeals
Fifth Circuit
FILED
July 28, 2026
Lyle W. Cayce
Clerk

No. 25-11212
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

DEREK LYN MINGER,

Defendant—Appellant.

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 3:03-CR-243-1

Before WILLETT, DUNCAN, and ENGELHARDT, *Circuit Judges*.

PER CURIAM:[*]

Derek Lyn Minger appeals from the revocation of his supervised release and the resulting sentence of 28 months' imprisonment followed by 30 months of supervised release. He challenges a condition of supervised release requiring him to participate in sex-offender treatment that may include plethysmograph testing. Minger acknowledges that his challenge is foreclosed but raises it to preserve the issue for further review. The

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

Government has filed an unopposed motion for summary affirmance, agreeing that the issue is foreclosed. In the alternative, it seeks an extension of time to file its brief.

Minger's challenge to the supervised-release condition is not ripe for review. *See United States v. Ellis*, 720 F.3d 220, 227 (5th Cir. 2013). We therefore lack jurisdiction over it, and the appeal is DISMISSED. *See United States v. Magana*, 837 F.3d 457, 459-60 (5th Cir. 2016). The Government's motion for summary affirmance and its alternative motion for an extension of time to file a brief are DENIED AS MOOT.

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

UNITED STATES OF AMERICA

v.

DEREK LYN MINGER

JUDGMENT IN A CRIMINAL CASE
(For **Revocation** of Probation or Supervised Release)

Case Number: **3:03-CR-00243-S(1)**
USM Number: **30860-177**
Marti Rachel Morgan
Defendant's Attorney

THE DEFENDANT:

☒	admitted guilt to violation of condition(s)	Violations of a Mandatory Condition of the terms of supervision.
☐	was found in violation of condition(s)	after denial of guilt.

The Defendant is adjudicated guilty of these violations:
Defendant pleaded true to violating a Mandatory Condition of the terms of supervision at a revocation hearing held on September 2, 2025, before Magistrate Judge Brian McKay. *See* Pet. for Person Under Supervision [ECF No. 52]; First Amended Pet. for Person Under Supervision [ECF No. 67]; R. & R. of the U.S. Mag. J. and. [ECF No. 69]; Supp. R. & R. of the U.S. Mag. J. [ECF No. 70], and Defendant's Sealed Objections to the Report and Recommendation of the Magistrate Judge [ECF No. 71].

The Defendant is sentenced as provided in pages 2 through 5 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

☐ The Defendant has not violated condition(s) and is discharged as to such violation(s) condition.

It is ordered that the Defendant must notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the Defendant must notify the Court and United States attorney of material changes in economic circumstances.

Last Four Digits of Defendant's Soc. Sec. 1263

Defendant's Year of Birth: 1976

City and State of Defendant's Residence:
Dallas, Texas

October 24, 2025
Date of Imposition of Judgment

Signature of Judge

KAREN GREN SCHOLER
UNITED STATES DISTRICT JUDGE
Name and Title of Judge

October 24, 2025
Date

DEFENDANT: DEREK LYN MINGER
CASE NUMBER: 3:03-CR-00243-S(1)

IMPRISONMENT

The Defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term of:

Twenty-eight (28) months.

☒ The Court makes the following non-binding recommendations to the Bureau of Prisons:
That the Defendant be allowed to serve their sentence at FCI Seagoville, or as close to the Dallas-Fort Worth area as possible.

☒ The Defendant is remanded to the custody of the United States Marshal.
☐ The Defendant shall surrender to the United States Marshal for this district:

☐ at ☐ a.m. ☐ p.m. on

☐ as notified by the United States Marshal.

☐ The Defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:

☐ before 2 p.m. on
☐ as notified by the United States Marshal.
☐ as notified by the Probation or Pretrial Services Office.

RETURN

I have executed this judgment as follows:

Defendant delivered on _____ to

at _____, with a certified copy of this judgment.

UNITED STATES MARSHAL

By
DEPUTY UNITED STATES MARSHAL

DEFENDANT: DEREK LYN MINGER
CASE NUMBER: 3:03-CR-00243-S(1)

SUPERVISED RELEASE

Upon release from imprisonment, the Defendant shall be on supervised release for a term of **thirty (30) months.**

MANDATORY CONDITIONS

1. You must not commit another federal, state or local crime.
2. You must not unlawfully possess a controlled substance.
3. You must refrain from any unlawful use of a controlled substance. You must submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the Court.
   - ☐ The above drug testing condition is suspended, based on the Court's determination that you pose a low risk of future substance abuse. (*check if applicable*)
4. ☐ You must make restitution in accordance with 18 U.S.C. §§ 3663 and 3663A or any other statute authorizing a sentence of restitution. *(check if applicable)*
5. ☒ You must cooperate in the collection of DNA as directed by the probation officer. (*check if applicable*)
6. ☒ You must comply with the requirements of the Sex Offender Registration and Notification Act (34 U.S.C. § 20901, et seq.) as directed by the probation officer, the Bureau of Prisons, or any state sex offender registration agency in which you reside, work, are a student, or were convicted of a qualifying offense. (*check if applicable*)
7. ☐ You must participate in an approved program for domestic violence. (*check if applicable*)

You must comply with the standard conditions that have been adopted by this court as well as with any additional conditions on the attached page.

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STANDARD CONDITIONS OF SUPERVISION

As part of your supervised release, you must comply with the following standard conditions of supervision. These conditions are imposed because they establish the basic expectations for your behavior while on supervision and identify the minimum tools needed by probation officers to keep informed, report to the Court about, and bring about improvements in your conduct and condition.

1. You must report to the probation office in the federal judicial district where you are authorized to reside within 72 hours of your release from imprisonment, unless the probation officer instructs you to report to a different probation office or within a different time frame.
2. After initially reporting to the probation office, you will receive instructions from the Court or the probation officer about how and when you must report to the probation officer, and you must report to the probation officer as instructed.
3. You must not knowingly leave the federal judicial district where you are authorized to reside without first getting permission from the Court or the probation officer.
4. You must answer truthfully the questions asked by your probation officer.
5. You must live at a place approved by the probation officer. If you plan to change where you live or anything about your living arrangements (such as the people you live with), you must notify the probation officer at least 10 days before the change. If notifying the probation officer in advance is not possible due to unanticipated circumstances, you must notify the probation officer within 72 hours of becoming aware of a change or expected change.
6. You must allow the probation officer to visit you at any time at your home or elsewhere, and you must permit the probation officer to take any items prohibited by the conditions of your supervision that he or she observes in plain view.
7. You must work full time (at least 30 hours per week) at a lawful type of employment, unless the probation officer excuses you from doing so. If you do not have full-time employment you must try to find full-time employment, unless the probation officer excuses you from doing so. If you plan to change where you work or anything about your work (such as your position or your job responsibilities), you must notify the probation officer at least 10 days before the change. If notifying the probation officer at least 10 days in advance is not possible due to unanticipated circumstances, you must notify the probation officer within 72 hours of becoming aware of a change or expected change.
8. You must not communicate or interact with someone you know is engaged in criminal activity. If you know someone has been convicted of a felony, you must not knowingly communicate or interact with that person without first getting the permission of the probation officer.
9. If you are arrested or questioned by a law enforcement officer, you must notify the probation officer within 72 hours.
10. You must not own, possess, or have access to a firearm, ammunition, destructive device, or dangerous weapon (i.e., anything that was designed, or was modified for, the specific purpose of causing bodily injury or death to another person such as nunchakus or tasers).
11. You must not act or make any agreement with a law enforcement agency to act as a confidential human source or informant without first getting the permission of the Court.
12. If the probation officer determines that you pose a risk to another person (including an organization), the probation officer may require you to notify the person about the risk and you must comply with that instruction. The probation officer may contact the person and confirm that you have notified the person about the risk.
13. You must follow the instructions of the probation officer related to the conditions of supervision.

U.S. Probation Office Use Only

A U.S. probation officer has instructed me on the conditions specified by the Court and has provided me with a written copy of this judgment containing these conditions. I understand additional information regarding these conditions is available at www.txnp.uscourts.gov.

Defendant's Signature _____ Date _____

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SPECIAL CONDITIONS OF SUPERVISION

1. Defendant shall abide by all conditions of supervision previously imposed in this case to the extent they are not inconsistent with the conditions recommended below.
2. The Defendant must report to the probation office in the district to which he is released within 72 hours of release from the custody of the Bureau of Prisons.
3. The Defendant shall not commit another federal, state, or local crime.
4. The Defendant shall not unlawfully possess a controlled substance. The Defendant shall refrain from any unlawful use of controlled substance. The Defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter as determined by the Court.
5. The Defendant shall comply with the standard conditions recommended by the U.S. Sentencing Commission.
6. The Defendant shall participate in sex offender treatment services as directed by the probation officer until successfully discharged. These services include psycho physiological testing (i.e., clinical polygraph, plethysmograph, and the ABEL screen) to monitor the defendant's compliance, treatment progress, and risk to the community. The Defendant shall contribute to the cost of services rendered (co-payment) at a rate of at least $25 per month.
7. Pursuant to the Sex Offender Registration and Notification Act (SORNA), 34 U.S.C. § 20901, et seq., the Defendant shall register, and keep the registration current, with state and local law enforcement, as directed by the probation officer, in each jurisdiction where the defendant resides, is employed, or is a student. The Defendant shall, no later than 3 business days after each change of name, residence, employment, or student status, appear in person in at least one of the jurisdictions and inform that jurisdiction of all changes in the information required in the sex offender registry. The Defendant shall provide to the appropriate official all information required in accordance with the SORNA guidelines and additional state-specific regulations for inclusion in the sex-offender registry. The Defendant shall provide written verification of registration to the probation officer within 3 business days following registration. This registration shall be renewed as required by the Defendant's assigned tier.