

October 5, 2004

Charles R. Fulbruge III  
Clerk

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 03-41458  
Summary Calendar

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UNITED STATES OF AMERICA

Plaintiff - Appellee

v.

GERARDO JOSE GUTIERREZ, also known as polsIII

Defendant - Appellant

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Appeal from the United States District Court  
for the Southern District of Texas  
USDC No. M-02-CR-769-1  
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Before KING, Chief Judge, and JONES and DENNIS, Circuit Judges.

PER CURIAM:\*

Gerardo Jose Gutierrez appeals the sentence imposed following his guilty-plea conviction for receiving and distributing child pornography. He argues that the district court plainly erred by imposing a special condition of supervised release that prohibits him from possessing or accessing a computer or computer network outside of that specifically required for work or school, and by prohibiting him from accessing or using the Internet.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

Gutierrez has not shown that the district court plainly erred by imposing such a condition. See United States v. Paul, 274 F.3d 155, 170 (5th Cir. 2001); United States v. Calverley, 37 F.3d 160, 162-64 (5th Cir. 1994) (en banc). Accordingly, the judgment is AFFIRMED.