United States Court of Appeals
Fifth Circuit
F I L E D
December 12, 2005
Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 05-40373
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

VALANE MARIE ACEVEDO,

Defendant-Appellant.

Appeal from the United States District Court
for the Southern District of Texas
USDC No. 6:04-CR-83-ALL

Before HIGGINBOTHAM, BENAVIDES, and DENNIS, Circuit Judges

PER CURIAM:*

Valane Marie Acevedo appeals from a guilty-plea conviction for transporting an unlawful alien within the United States. See 8 U.S.C. §§ 1324(a)(1)(A)(ii), (v)(II), (B)(ii). Acevedo argues that the district court impermissibly delegated its authority to the probation officer to determine whether and to what extent Acevedo should participate in a drug treatment program.

Acevedo concedes that she did not raise an objection to this condition of supervised release; therefore the issue is reviewed

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

for plain error. See United States v. Vega, 332 F.3d 849, 852 n.3 (5th Cir. 2003). Acevedo has failed to provide binding authority demonstrating that the delegation was obvious error that affected her substantial rights. Accordingly, she cannot demonstrate the requisite elements of plain error. See United States v. Calverly, 37 F.3d 160, 164 (5th Cir. 1994)(en banc).

AFFIRMED.