

[DO NOT PUBLISH]

In the
United States Court of Appeals
For the Eleventh Circuit

No. 22-14044

Non-Argument Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

DEVON GILBERT URBIGKEIT,
a.k.a. Devon Yates

Defendant-Appellant.

Appeal from the United States District Court
for the Middle District of Florida
D.C. Docket No. 8:21-cr-00059-SCB-JSS-1

Before NEWSOM, BRASHER, and ANDERSON, Circuit Judges.

PER CURIAM:

Devon Urbigkeit pleaded guilty to passport forgery and counterfeiting. The district court sentenced him to serve 18 months in prison and 3 years of supervised release. As to the latter, the court imposed 13 discretionary conditions of supervised release. The court did not announce those 13 conditions at the sentencing hearing but included them for the first time in Urbigkeit's written judgment.

Urbigkeit challenges those 13 conditions, claiming that the court erred by imposing those conditions without announcing them at the sentencing hearing. The United States concedes that the district court committed an error. We agree. *See United States v. Rodriguez*, 75 F.4th 1231, 1246 n.5 (11th Cir. 2023). Accordingly, we must vacate those 13 conditions and remand this case for resentencing.

The government also asks to withdraw a previously filed motion to dismiss this appeal.

We **GRANT** the Motion to Withdraw and **DENY AS MOOT** the "Motion to Dismiss Appeal Based on Waiver in Plea Agreement." We **VACATE** Urbigkeit's sentence of supervised release and remand for further proceedings consistent with this opinion.