

UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT

SUMMARY ORDER

RULINGS BY SUMMARY ORDER DO NOT HAVE PRECEDENTIAL EFFECT. CITATION TO A SUMMARY ORDER FILED ON OR AFTER JANUARY 1, 2007, IS PERMITTED AND IS GOVERNED BY FEDERAL RULE OF APPELLATE PROCEDURE 32.1 AND THIS COURT'S LOCAL RULE 32.1.1. WHEN CITING A SUMMARY ORDER IN A DOCUMENT FILED WITH THIS COURT, A PARTY MUST CITE EITHER THE FEDERAL APPENDIX OR AN ELECTRONIC DATABASE (WITH THE NOTATION "SUMMARY ORDER"). A PARTY CITING A SUMMARY ORDER MUST SERVE A COPY OF IT ON ANY PARTY NOT REPRESENTED BY COUNSEL.

At a stated term of the United States Court of Appeals for the Second Circuit, held at the Thurgood Marshall United States Courthouse, 40 Foley Square, in the City of New York, on the 21st day of January, two thousand twenty-five.

Present:

JOSÉ A. CABRANES,
RICHARD C. WESLEY,
EUNICE C. LEE,
Circuit Judges.

UNITED STATES OF AMERICA,

Appellee,

v.

23-6857-cr

GREGORY DARRAIN, AKA SEALED DEFENDANT 10,

*Defendant-Appellant.**

* The Clerk's Office is respectfully directed to amend the case caption accordingly.

For Defendant-Appellant:

MELISSA A. TUOHEY, Assistant Federal
Public Defender, Office of the Federal
Public Defender, NDNY, Syracuse,
NY.

For Appellee:

JOSHUA ROTHENBERG, Assistant
United States Attorney, *for* Carla B.
Freedman, United States Attorney for
the Northern District of New York,
Syracuse, NY.

Appeal from an August 1, 2023 order of the United States District Court for
the Northern District of New York (Suddaby, J.).

**UPON DUE CONSIDERATION, IT IS HEREBY ORDERED,
ADJUDGED, AND DECREED** that the order of the district court is **AFFIRMED**.

Defendant-Appellant Gregory Darrain appeals from an order modifying the
conditions of supervised release that were imposed on him following a conviction
of conspiracy to distribute and possess with intent to distribute heroin and
fentanyl, in violation of 21 U.S.C. §§ 846 and 841(b)(1)(C). Based on our review
of the record, the district court did not abuse its discretion by modifying his
conditions of release to include a psychosexual evaluation. *See* 18 U.S.C. §
3583(e)(2) (indicating that the district court has broad discretion in modifying the

conditions of supervised release). Accordingly, we **AFFIRM** the order of the district court.

FOR THE COURT:

Catherine O'Hagan Wolfe, Clerk of Court