

**IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT**

---

No. 15-40817

---

United States Court of Appeals  
Fifth Circuit

**FILED**

August 14, 2017

Lyle W. Cayce  
Clerk

UNITED STATES OF AMERICA,

Plaintiff - Appellee

v.

RICHARD DANIEL GARCIA,

Defendant - Appellant

---

Appeals from the United States District Court  
for the Southern District of Texas  
USDC No. 2:09-CR-297-1

---

Before STEWART, Chief Judge, and JONES and CLEMENT, Circuit Judges.

PER CURIAM:\*

The panel entered a limited remand in this case in an opinion dated August 1, 2017. Upon receipt of the district court's order dated August 7, 2017, the panel now files this supplement to our prior opinion. The district court order states that the district court "did not consider new information in the Addendum to deny Garcia's motion" for a 18 U.S.C. § 3582(c)(2) sentence reduction. The denial of the sentence reduction was based on Garcia's past criminal history and his continued threat to public safety. Therefore, as the

---

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

No. 15-40817

court did not consider the new evidence in the Addendum, there was no error. Therefore we **AFFIRM** the district court.