

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

No. 18-50764
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

October 31, 2019

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

FLORENCE MONROE LOPEZ,

Defendant-Appellant

Appeal from the United States District Court
for the Western District of Texas
USDC No. 6:11-CR-104-3

Before JOLLY, JONES, and SOUTHWICK, Circuit Judges.

PER CURIAM:*

Florence Monroe Lopez, federal prisoner # 79440-280, was convicted in 2011 of a drug conspiracy and sentenced to 168 months of imprisonment. He filed a motion pursuant to 18 U.S.C. § 3582(c)(2) for a sentence reduction based on Amendment 782 to the United States Sentencing Guidelines; the district court denied the motion, and this court dismissed Lopez's appeal as frivolous. Lopez then filed a second Section 3582(c)(2) motion based on Amendment 782,

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

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which the district court also denied. He now appeals the denial of that second motion. We affirm.

We review the denial of Lopez's Section 3582(c)(2) motion for an abuse of discretion. *United States v. Henderson*, 636 F.3d 713, 717 (5th Cir. 2011). Because we can determine from the record that the district court implicitly considered Lopez's Section 3582(c)(2) motion and the 18 U.S.C. § 3553(a) sentencing factors, his challenge to the sufficiency of the district court's explanation is unpersuasive. *See id.* at 718. His argument that a reduction was warranted in light of the Section 3553(a) factors, which include his postsentencing conduct, is insufficient to demonstrate an abuse of discretion. *See id.* at 717; *United States v. Evans*, 587 F.3d 667, 673 & nn.9–10 (5th Cir. 2009). Finally, Lopez cites no authority in support of his argument that the district court was required to prepare a new presentence report.

AFFIRMED.