

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

\_\_\_\_\_  
No. 19-10069  
Summary Calendar  
\_\_\_\_\_

United States Court of Appeals  
Fifth Circuit

**FILED**

October 9, 2019

Lyle W. Cayce  
Clerk

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

HEATH JAYDEL BREWER,

Defendant-Appellant

\_\_\_\_\_  
Appeal from the United States District Court  
for the Northern District of Texas  
USDC No. 4:18-CR-241-1  
\_\_\_\_\_

Before CLEMENT, ELROD, and OLDHAM, Circuit Judges.

PER CURIAM:\*

Heath Jaydel Brewer appeals the 215-month sentence following his guilty plea to possession with intent to distribute a controlled substance. Brewer argues that the district court improperly limited the extent of his downward departure by considering improper factors. *See United States v. Desselle*, 450 F.3d 179, 182 (5th Cir. 2006).

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

No. 19-10069

Although the district court may have muddled the steps of the sentencing analysis, its comments make clear that it does not believe that a sentence reflecting any further departure from Brewer's guidelines range would be appropriate. As such, any error in imposing Brewer's 215-month sentence was harmless. *See United States v. Malone*, 828 F.3d 331, 341 (5th Cir. 2016). To the extent Brewer contends that he deserved a larger downward departure given his assistance to the Government, we lack jurisdiction to consider his argument. *See id.*

AFFIRMED.