

United States Court of Appeals  
for the Fifth Circuit

United States Court of Appeals  
Fifth Circuit

**FILED**

June 14, 2021

Lyle W. Cayce  
Clerk

---

No. 20-10671

---

UNITED STATES OF AMERICA,

*Plaintiff—Appellee,*

*versus*

DETROIT HINES,

*Defendant—Appellant.*

---

Appeal from the United States District Court  
for the Northern District of Texas  
4:06-CR-88

---

Before HAYNES, GRAVES, and WILLETT, *Circuit Judges*.

PER CURIAM:\*

This appeal raises one question: Under the First Step Act of 2018,<sup>1</sup> is Detroit Hines eligible for a sentence reduction based on his convictions under 21 U.S.C. § 841(b)(1)(C)?<sup>2</sup> The district court said no, and we stayed this case

---

\* Pursuant to 5TH CIRCUIT RULE 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIRCUIT RULE 47.5.4.

<sup>1</sup> Pub. L. 115-391, 132 Stat. 5194.

No. 20-10671

pending the Supreme Court’s decision in *Terry v. United States*.<sup>2</sup> The Court recently decided *Terry*, answering the question posed in this case. The Court held that the Fair Sentencing Act, made retroactive by the First Step Act, “did not modify the statutory penalties for” offenses under § 841(b)(1)(C). So, the First Step Act did not make an offender under § 841(b)(1)(C) eligible for a sentence reduction.<sup>3</sup> We therefore AFFIRM the district court’s judgment.

---

<sup>2</sup> *Terry v. United States*, --- S. Ct. ---, 2021 WL 2405145 (June 14, 2021).

<sup>3</sup> *Id.* at \*4.