

United States Court of Appeals
for the Fifth Circuit

United States Court of Appeals
Fifth Circuit

FILED

March 8, 2021

Lyle W. Cayce
Clerk

No. 20-60668
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

JOSHUA LAGERALD CEASER,

Defendant—Appellant.

Appeal from the United States District Court
for the Southern District of Mississippi
USDC No. 1:19-CR-125-1

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

PER CURIAM:*

Joshua Lagerald Ceaser appeals the 36-month, Guidelines-range sentence imposed upon the revocation of his supervised release stemming from his conviction for conspiracy to distribute cocaine. Ceaser contends that his revocation sentence is substantively unreasonable because his underlying

* Pursuant to 5TH CIRCUIT RULE 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIRCUIT RULE 47.5.4.

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drug conspiracy sentence was only 60 months, because his revocation sentence is disproportionate to the legitimate purposes of punishment, and because the sentence is retributive. He also argues that his revocation sentence constitutes double jeopardy. Finding no clear or obvious error, we affirm. *See Puckett v. United States*, 556 U.S. 129, 135 (2009); *United States v. Napper*, 978 F.3d 118, 124–25 (5th Cir. 2020).

Ceasar identifies no relevant 18 U.S.C. § 3553(a) sentencing factor to which the district court either failed to accord sufficient weight or accorded too much weight in fashioning his revocation sentence, let alone plainly so. *See United States v. Cano*, 981 F.3d 422, 426–27 (5th Cir. 2020). Nor does Ceasar demonstrate any clear error of judgment in the court’s balancing of the relevant sentencing factors; his mere disagreement with the district court’s balancing of the § 3553(a) factors does not suffice to rebut the presumption of reasonableness afforded to his Guidelines-range sentence. *See id.*; *United States v. Badgett*, 957 F.3d 536, 541 (5th Cir. 2020); *United States v. Illies*, 805 F.3d 607, 609–10 (5th Cir. 2015). Insofar as Ceasar challenges the conclusion that a preponderance of the evidence showed that Ceasar violated conditions of his supervised release, “[w]e will not second guess the district court’s factual findings as to the credibility of witnesses.” *United States v. Garza*, 118 F.3d 278, 283 (5th Cir. 1997). Finally, revocation sentences do not implicate the Double Jeopardy Clause. *See United States v. Jackson*, 559 F.3d 368, 371 (5th Cir. 2009) (citing *Johnson v. United States*, 529 U.S. 694, 700–01 (2000)).

The judgment is AFFIRMED.