

United States Court of Appeals
for the Fifth Circuit

United States Court of Appeals
Fifth Circuit

FILED

August 3, 2022

Lyle W. Cayce
Clerk

No. 21-10711
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

JOSHUA LESLIE HITE,

Defendant—Appellant.

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 4:19-CR-305-1

Before DAVIS, SMITH, and DENNIS, *Circuit Judges.*

PER CURIAM:*

Joshua Leslie Hite pleaded guilty to conspiracy to possess with intent to distribute a mixture and substance containing gamma hydroxybutyric acid. The district court sentenced Hite below the applicable guidelines sentencing

* Pursuant to 5TH CIRCUIT RULE 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIRCUIT RULE 47.5.4.

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range to 188 months of imprisonment and three years of supervised release. Hite timely appealed.

On appeal, Hite renews three sentencing claims he unsuccessfully raised in the district court: (1) the district court erred in calculating the drug quantity for purposes of establishing the base offense level, (2) the district court erred in determining that he maintained a drug premises, and (3) the district court erred in determining that he was not entitled to a mitigating-role adjustment. As Hite contends, each of these issues involves a factual determination that we review for clear error. *United States v. Martinez*, 921 F.3d 452, 483 (5th Cir. 2019); *United States v. Guzman-Reyes*, 853 F.3d 260, 263 (5th Cir. 2017); *United States v. Betancourt*, 422 F.3d 240, 246 (5th Cir. 2005). A factual finding is clearly erroneous if it is not “plausible in light of the record read as a whole.” *Betancourt*, 422 F.3d at 245 (internal quotation marks and citation omitted).

Hite’s counseled brief, which is not entitled to liberal construction, fails to adequately brief the three issues he raises on appeal. *See United States v. Scroggins*, 599 F.3d 433, 446-47 (5th Cir. 2010); *Beasley v. McCotter*, 798 F.2d 116, 118 (5th Cir. 1986); FED. R. APP. P. 28(a)(8)(A). Accordingly, Hite has waived review of these claims, *see Scroggins*, 599 F.3d at 446-47, and the judgment of the district court is AFFIRMED.