

# United States Court of Appeals for the Fifth Circuit

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No. 23-40490  
Summary Calendar

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United States Court of Appeals  
Fifth Circuit

**FILED**

May 8, 2025

Lyle W. Cayce  
Clerk

UNITED STATES OF AMERICA,

*Plaintiff—Appellee,*

*versus*

ERIC RICHARD GARZA,

*Defendant—Appellant.*

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Appeal from the United States District Court  
for the Southern District of Texas  
USDC No. 2:19-CR-5-1

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Before WIENER, HO, and RAMIREZ, *Circuit Judges.*

PER CURIAM:\*

Eric Richard Garza was convicted of attempted Hobbs Act robbery in violation of 18 U.S.C. § 1951 (Count One), and discharge of a firearm during a crime of violence in violation of 18 U.S.C. § 924(c)(1)(A)(iii) (Count Two). In his first appeal, we vacated as to the § 924(c) offense and remanded for resentencing. *See United States v. Garza*, No. 21-40759, 2023 WL 2525655,

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\* This opinion is not designated for publication. *See* 5TH CIR. R. 47.5.

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at \*2, \*4 (5th Cir. Mar. 15, 2023) (unpublished). On remand, the district court resentenced Garza on Count One within a recalculated guidelines range to a higher sentence than initially imposed. Now, Garza argues that his resentencing violated our previous mandate.

We review the issue de novo. *See United States v. Clark*, 816 F.3d 350, 360-61 (5th Cir. 2016). Here, we are persuaded that the district court complied with the letter and spirit of our mandate by resentencing Garza on Count One. *See United States v. Solorzano*, 65 F.4th 245, 249 n.4 (5th Cir. 2023); *Clark*, 816 F.3d at 360-61.

The judgment of the district court is AFFIRMED.