

United States Court of Appeals for the Fifth Circuit

No. 23-50511
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

March 15, 2024

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

EDWARD JIMENEZ,

Defendant—Appellant.

Appeal from the United States District Court
for the Western District of Texas
USDC No. 5:98-CR-304-1

Before ELROD, OLDHAM, and WILSON, *Circuit Judges.*

PER CURIAM:*

Edward Jimenez appeals the denial of his motion for a sentence reduction pursuant to 18 U.S.C. § 3582(c)(1)(A), in which he argued that his life sentence is unconstitutional. The district court denied the motion based on our holding that “a prisoner cannot use § 3582(c) to challenge the legality

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

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or the duration of his sentence[.]” *United States v. Escajeda*, 58 F.4th 184, 187 (5th Cir. 2023).

Jimenez has filed a letter brief and an unopposed motion for summary disposition. He concedes that his argument on appeal—that constitutional defects in his sentence are extraordinary and compelling reasons warranting a reduction of sentence under § 3582(c)(1)(A)—is foreclosed by *Escajeda*, although he seeks to preserve it for further review.

Where “there can be no substantial question as to the outcome of the case,” summary disposition is appropriate. *Groendyke Transp., Inc. v. Davis*, 406 F.2d 1158, 1162 (5th Cir. 1969). Accordingly, the motion for summary disposition is GRANTED, and the district court’s order is AFFIRMED.