

United States Court of Appeals  
for the Fifth Circuit

United States Court of Appeals  
Fifth Circuit

**FILED**

October 10, 2024

Lyle W. Cayce  
Clerk

---

No. 23-50881  
Summary Calendar

---

UNITED STATES OF AMERICA,

*Plaintiff—Appellee,*

*versus*

LANCE JOHN SHOWEN,

*Defendant—Appellant.*

---

Appeal from the United States District Court  
for the Western District of Texas  
USDC No. 6:22-CR-109-9

---

Before KING, SOUTHWICK, and ENGELHARDT, *Circuit Judges.*

PER CURIAM:\*

Lance John Showen pleaded guilty to conspiracy to possess with intent to distribute methamphetamine. He now raises a preserved challenge to the district court's application of U.S.S.G. § 2D1.1(b)(1) in calculating his guidelines range and an unpreserved challenge to the below-guidelines \$5,000 fine imposed by the district court.

---

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

No. 23-50881

First, we review the district court's determination that § 2D1.1(b)(1) applies for clear error. *See United States v. King*, 773 F.3d 48, 52 (5th Cir. 2014). In light of the record and the parties' arguments on appeal, we affirm on the basis that Showen could have reasonably foreseen his co-conspirator's possession of firearms. *See United States v. Hooten*, 942 F.2d 878, 881-82 (5th Cir. 1991); *United States v. Aguilera-Zapata*, 901 F.2d 1209, 1215 (5th Cir. 1990).

Next, we review the unpreserved challenge to the substantive reasonableness of the fine for plain error. *See United States v. Brantley*, 537 F.3d 347, 351 (5th Cir. 2008). Showen's arguments regarding his future ability to pay the fine fail to demonstrate reversible plain error. *See Puckett v. United States*, 556 U.S. 129, 135 (2009); *United States v. Pacheco-Alvarado*, 782 F.3d 213, 219-21 (5th Cir. 2015); *Brantley*, 537 F.3d at 349.

AFFIRMED.