

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT**

No. 18-31279
Summary Calendar

United States Court of Appeals
Fifth Circuit
FILED
September 17, 2019
Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

FRANK G. PEARSON, also known as Grump,

Defendant-Appellant

Appeal from the United States District Court
for the Western District of Louisiana
USDC No. 5:18-CR-121-1

Before WIENER, HAYNES, and COSTA, Circuit Judges.

PER CURIAM:*

Frank G. Pearson pleaded guilty to possession of a firearm by a convicted felon. The presentence report (PSR) calculated an advisory sentencing range of 30 to 37 months. Pearson did not object but moved for a sentence below the range. Without opposition from the Government, the district court “reluctantly” granted Pearson’s motion, and the range was reduced to 24 to 30

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

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months. The court sentenced Pearson to 26 months in prison plus three years of supervised release.

Pearson argues that the sentence was substantively unreasonable because a sentence of probation would have been sufficient. On appeal, we presume that a sentence below the properly calculated guideline range is substantively reasonable. *See United States v. Murray*, 648 F.3d 251, 258 (5th Cir. 2011); *United States v. Alonzo*, 435 F.3d 551, 554 (5th Cir. 2006). Pearson's assertion that the sentence is excessive does not rebut the presumption. *See United States v. Ruiz*, 621 F.3d 390, 398 (5th Cir. 2010). The judgment is AFFIRMED.