

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

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No. 19-60371  
Summary Calendar

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United States Court of Appeals  
Fifth Circuit

**FILED**

February 5, 2020

Lyle W. Cayce  
Clerk

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

RODRECAS TIMS,

Defendant-Appellant

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Appeal from the United States District Court  
for the Southern District of Mississippi  
USDC No. 3:18-CR-240-1

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Before DAVIS, SMITH, and HIGGINSON, Circuit Judges.

PER CURIAM:\*

Rodrecas Tims appeals his above-guidelines sentence of 108 months of imprisonment for being a convicted felon in possession of a firearm, in violation of 18 U.S.C. § 922(g)(1). Tims argues that his sentence is substantively unreasonable because the statutory sentencing factors do not justify the upward variance imposed. Tims contends that the nature and circumstances of his offense were not unusual or egregious. He also emphasizes that he

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\* 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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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sustained his prior convictions many years ago when he was a minor and argues that the district court should not have relied upon allegations of criminal conduct in pending state cases.

Even to the extent that Tims has not preserved every specific argument underlying his reasonableness challenge, we need not decide the appropriate standard of review because Tims's arguments are unavailing under the more lenient abuse of discretion standard. *See Gall v. United States*, 552 U.S. 38, 51 (2007); *United States v. Peltier*, 505 F.3d 389, 391-92 (5th Cir. 2007). Tims has not shown that the district court gave improper weight to any factor or committed a clear error of judgment in balancing the pertinent sentencing factors. *United States v. Diehl*, 775 F.3d 714, 724 (5th Cir. 2015). The district court was entitled to place appropriate weight on his criminal conduct. *See, e.g., United States v. Pillault*, 783 F.3d 282, 289-90 (5th Cir. 2015). The district court did not abuse its discretion. *See id.; Diehl*, 775 F.3d at 724.

AFFIRMED.