

United States Court of Appeals for the Fifth Circuit

No. 23-20610
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

September 13, 2024

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

KENNETH ADAMS,

Defendant—Appellant.

Appeal from the United States District Court
for the Southern District of Texas
USDC No. 4:22-CR-389-1

Before HAYNES, HIGGINSON, and DOUGLAS, *Circuit Judges*.

PER CURIAM:*

Kenneth Adams appeals the sentence imposed following his guilty plea conviction of possession with intent to distribute 50 grams or more of methamphetamine, its salts, isomers, and salts of its isomers. The district court sentenced Adams to the top of the guidelines range of imprisonment.

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

No. 23-20610

Adams argues that his sentence is substantively unreasonable because the district court improperly balanced the sentencing factors.

A sentence imposed within a properly calculated guidelines range is entitled to a rebuttable presumption of reasonableness. *See United States v. Cooks*, 589 F.3d 173, 186 (5th Cir. 2009). The presumption of reasonableness “is rebutted only upon a showing that the sentence does not account for a factor that should receive significant weight, it gives significant weight to an irrelevant or improper factor, or it represents a clear error of judgment in balancing sentencing factors.” *Id.*

Before imposing the sentence, the district court considered (1) Adams’s sentencing memorandum, which included requests for downward departures and a sentence outside of the guidelines range, (2) the Government’s motion for a downward departure, and (3) the parties’ arguments in favor of a lesser sentence. The district court imposed a sentence within the guidelines based on Adams’s criminal history.

Adams has not rebutted the presumption of reasonableness. Accordingly, the judgment is AFFIRMED.