

United States Court of Appeals  
for the Fifth Circuit

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No. 23-30621  
Summary Calendar

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United States Court of Appeals  
Fifth Circuit

**FILED**

March 25, 2024

Lyle W. Cayce  
Clerk

UNITED STATES OF AMERICA,

*Plaintiff—Appellee,*

*versus*

TORY PHILLIPS,

*Defendant—Appellant.*

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Appeal from the United States District Court  
for the Western District of Louisiana  
USDC No. 6:20-CR-284-2

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Before KING, HAYNES, and GRAVES, *Circuit Judges*.

PER CURIAM:\*

Tory Phillips appeals the within-guidelines 88-month sentence of imprisonment imposed following his guilty plea conviction for conspiracy to distribute and to possess with intent to distribute a controlled substance.

Insofar as Phillips challenges the district court's denial of his request for a downward departure, we lack jurisdiction to review this issue. *See*

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

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*United States v. Fillmore*, 889 F.3d 249, 255 (5th Cir. 2018). As to his claim that his sentence is substantively unreasonable, our review is for an abuse of discretion. *See Gall v. United States*, 552 U.S. 38, 51 (2007). The district court considered and rejected Phillips's arguments for a lesser sentence, and he has presented nothing to indicate that the court abused its discretion in weighing the sentencing factors. *See United States v. Cooks*, 589 F.3d 173, 186 (5th Cir. 2009). His disagreement with the propriety of the sentence is insufficient to rebut the presumption of reasonableness that applies to his within-guidelines sentence. *See id.*

Accordingly, we DISMISS Phillips's appeal, in part, for lack of jurisdiction and AFFIRM the district court's judgment in all other respects.