

United States Court of Appeals  
for the Fifth Circuit

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No. 23-50752  
Summary Calendar

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United States Court of Appeals  
Fifth Circuit

**FILED**

July 11, 2024

Lyle W. Cayce  
Clerk

UNITED STATES OF AMERICA,

*Plaintiff—Appellee,*

*versus*

TIMOTHY REY KORTELAND,

*Defendant—Appellant.*

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Appeal from the United States District Court  
for the Western District of Texas  
USDC No. 4:22-CR-621-1

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Before HIGGINBOTHAM, JONES, and OLDHAM, *Circuit Judges*.

PER CURIAM:\*

Timothy Rey Korteland pleaded guilty to possessing child pornography, and the district court sentenced him within the guidelines range to 78 months of imprisonment, followed by 15 years of supervised release. On appeal, he contends that his sentence is substantively unreasonable because the district court (1) did not account for his history and

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

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characteristics and (2) clearly erred in balancing the 18 U.S.C. § 3553(a) factors.

Here, the district court considered Korteland's mitigating evidence at the sentencing hearing regarding his autism diagnosis and explained why it was unpersuaded that Korteland's diagnosis warranted a downward variance. Specifically, the nature and circumstances of the offense gave the court "grave concern." Based on our review of the record, we conclude that the district court did not clearly err in balancing the § 3553(a) factors, and we reject Korteland's contention that the district court failed to account for his history and characteristics. *See United States v. Jenkins*, 712 F.3d 209, 214-15 (5th Cir. 2013); *United States v. Cooks*, 589 F.3d 173, 186 (5th Cir. 2009).

AFFIRMED.