

United States Court of Appeals for the Fifth Circuit

No. 24-30286
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

December 24, 2024

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

DANELLE HALL,

Defendant—Appellant.

Appeal from the United States District Court
for the Eastern District of Louisiana
USDC No. 2:05-CR-243-5

Before BARKSDALE, STEWART, and RAMIREZ, *Circuit Judges*.

PER CURIAM:*

Danelle Hall, federal prisoner # 35171-177 and proceeding *pro se*, challenges the denial of his motion for a reduced sentence under Section 404 of the First Step Act of 2018 (FSA), Pub. L. No. 115-391, § 404, 132 Stat. 5194, 5222. Hall is currently serving a 36-month sentence following the second revocation of his supervised release, originally imposed for his guilty-

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

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plea conviction for three counts of distributing five grams or more of cocaine base, in violation of 21 U.S.C. § 841(a)(1) and (b)(1)(B). He contends the district court abused its discretion in denying his motion by improperly weighing the 18 U.S.C. § 3553(a) sentencing factors.

A district court's ruling on a motion for a reduced sentence under the FSA is reviewed for abuse of discretion. *E.g., United States v. Stewart*, 964 F.3d 433, 435 (5th Cir. 2020); *see also United States v. Jackson*, 945 F.3d 315, 321 (5th Cir. 2019) (district courts have "broad discretion" in deciding whether to grant a sentence reduction under the FSA). "Under this standard, the defendant must show the court made an error of law or based its decision on a 'clearly erroneous assessment of the evidence'." *United States v. Abdul-Ali*, 19 F.4th 835, 837 (5th Cir. 2021) (quoting *United States v. Larry*, 632 F.3d 933, 936 (5th Cir. 2011)).

The court determined Hall was eligible for a reduced sentence under § 404 of the FSA, but declined to reduce his sentence based on the § 3553(a) factors, including his history of criminal conduct and supervised-release violations. For the following reasons, the court did not abuse its discretion in denying a reduced sentence.

The lower statutory penalties had no effect on Hall's advisory imprisonment range under the Sentencing Guidelines policy statement. *See* U.S.S.G. § 7B1.4. Despite Hall's contention that the court did not give sufficient weight to the lower statutory maximum applicable to his revocation sentence under the FSA, the court expressly stated that a 36-month maximum term of imprisonment would apply under the FSA instead of the 60-month maximum.

Moreover, contrary to Hall's assertion that the court abused its discretion by failing to consider positive factors related to his rehabilitation, the FSA "does not require a district court to accept a movant's argument

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that evidence of rehabilitation . . . counsel[s] in favor of a sentence reduction”, nor is the court required “to make a point-by-point rebuttal of the parties’ arguments”. *Concepcion v. United States*, 597 U.S. 481, 502 (2022). The court acted within its broad discretion in finding that other considerations, including Hall’s criminal history and history of supervised-release violations, ultimately weighed against a reduction. *See id.* at 501–02; *see also Abdul-Ali*, 19 F.4th at 837 (considering recidivism and past crimes is “well within the court’s discretion” when deciding whether to grant sentence reduction under FSA).

AFFIRMED.