

# United States Court of Appeals for the Fifth Circuit

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No. 24-60096  
Summary Calendar

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United States Court of Appeals  
Fifth Circuit

**FILED**

September 23, 2024

Lyle W. Cayce  
Clerk

UNITED STATES OF AMERICA,

*Plaintiff—Appellee,*

*versus*

MONTARIUS MONTRAE SHABAZZ,

*Defendant—Appellant.*

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Appeal from the United States District Court  
for the Southern District of Mississippi  
USDC No. 1:19-CR-52-1

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Before JOLLY, STEWART, and OLDHAM, *Circuit Judges*.

PER CURIAM:\*

Montarius Montrael Shabazz, federal prisoner # 21466-043, appeals the district court's order denying him, pursuant to 18 U.S.C. § 3582(c)(2), a reduction in his 90-month sentence for possession of a firearm by an unlawful user of a controlled substance. Shabazz argues that the district court's order should be reversed to protect the important goal of consistency in the

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

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sentencing process and to ensure that his sentence will be consistent with sentences ordered for similarly situated defendants that are sentenced after the effective date of Part A of Amendment 821 to the Sentencing Guidelines.

We review his claim for abuse of discretion. *See United States v. Calton*, 900 F.3d 706, 710 (5th Cir. 2018). Shabazz's argument is not supported by a showing that similarly situated defendants who committed similar offenses have received lesser sentences. *See* 18 U.S.C. § 3553(a)(6). And his argument that similarly situated defendants who are sentenced after November 1, 2023, and who receive the benefit of Amendment 821, will receive a lesser sentence is pure conjecture. *Cf. United States v. Smith*, 595 F.3d 1322, 1323 (5th Cir. 2010) (rejecting the suggestion that a district court must grant a § 3582(c)(2) motion based on an amendment to the Guidelines because failing to do so creates unwarranted sentencing disparities).

Accordingly, Shabazz has failed to demonstrate that the district court abused its discretion in denying his § 3582(c)(2) motion for a sentence reduction. *See Calton*, 900 F.3d at 710. The decision of the district court is **AFFIRMED**.