

United States Court of Appeals  
for the Fifth Circuit

United States Court of Appeals  
Fifth Circuit

**FILED**

April 12, 2021

Lyle W. Cayce  
Clerk

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No. 18-10523  
Summary Calendar

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UNITED STATES OF AMERICA,

*Plaintiff—Appellee,*

*versus*

LANDON GASS,

*Defendant—Appellant.*

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Appeal from the United States District Court  
for the Northern District of Texas  
USDC No. 4:18-CR-6-4

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Before WIENER, SOUTHWICK, and DUNCAN, *Circuit Judges.*

PER CURIAM:\*

Landon Gass appeals the prison sentence imposed following his guilty plea to conspiracy to possess with intent to distribute a controlled substance. Gass argues that his sentence is substantively unreasonable because the methamphetamine Sentencing Guideline has evolved through congressional

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\* Pursuant to 5TH CIRCUIT RULE 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIRCUIT RULE 47.5.4.

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mandates rather than through the Sentencing Commission's examination of empirical data, national experience, and expert opinions. As a result, he contends that the Guideline lacks an empirical basis, it results in guidelines ranges that are greater than necessary to determine the appropriate sentence, and it produces overly severe sentences.

The Government moves for summary affirmance, asserting that the issue is foreclosed. Alternatively, the Government moves for an extension of time to file an appellate brief.

As Gass concedes, his issue is foreclosed by our precedent. *See United States v. Duarte*, 569 F.3d 528, 530 (5th Cir. 2009); *United States v. Mondragon-Santiago*, 564 F.3d 357, 366-67 (5th Cir. 2009). Accordingly, the judgment of the district court is AFFIRMED. The Government's motion for summary affirmance is GRANTED, and the alternative motion for an extension of time to file an appellate brief is DENIED.