

United States Court of Appeals
for the Fifth Circuit

United States Court of Appeals
Fifth Circuit

FILED

March 30, 2021

Lyle W. Cayce
Clerk

No. 20-10538
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

CLARENCE BURTON PRICE,

Defendant—Appellant.

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 4:19-CR-305-2

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

PER CURIAM:*

Raising two arguments, Clarence Burton Price appeals the sentence imposed following his guilty plea to conspiracy to possess gamma hydroxybutyric acid with intent to distribute. First, Price argues that the district court clearly erred in determining the drug quantity attributable to

* Pursuant to 5TH CIRCUIT RULE 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIRCUIT RULE 47.5.4.

No. 20-10538

him. The district court's drug quantity determination is plausible in light of the record as a whole. *See United States v. Dinh*, 920 F.3d 307, 310 (5th Cir. 2019). Even if we assume for the sake of argument that Price has presented another permissible view of the facts, the determination is not clearly erroneous. *See United States v. Harris*, 740 F.3d 956, 967 (5th Cir. 2014).

Price next argues that the district court imposed a substantively unreasonable sentence. We review sentences for substantive reasonableness under an abuse of discretion standard. *See United States v. Rodriguez*, 523 F.3d 519, 525 (5th Cir. 2008). Price's sentence, which is at the bottom of the applicable guidelines range, is presumed reasonable on appeal. *See United States v. Cooks*, 589 F.3d 173, 186 (5th Cir. 2009). His disagreement with the propriety of his sentence and the district court's weighing of the 18 U.S.C. § 3553(a) factors, including the mitigating factors he presented, is insufficient to rebut the presumption. *See Rodriguez*, 523 F.3d at 526; *see also United States v. Rodriguez-Bernal*, 783 F.3d 1002, 1008 (5th Cir. 2015).

AFFIRMED.