

United States Court of Appeals
for the Fifth Circuit

United States Court of Appeals
Fifth Circuit

FILED

March 3, 2022

Lyle W. Cayce
Clerk

No. 20-10771
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

MACHEO HILL,

Defendant—Appellant.

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 1:02-CR-3-9

Before SOUTHWICK, OLDHAM, and WILSON, *Circuit Judges*.

PER CURIAM:*

Macheo Hill, federal prisoner # 28133-177, appeals the district court's partial grant of his motion for a sentence reduction under the First Step Act of 2018, Pub. L. No. 115-391, 132 Stat. 5194. On appeal, he challenges the district court's decision declining to reduce his sentence for possession with

* Pursuant to 5TH CIRCUIT RULE 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIRCUIT RULE 47.5.4.

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intent to distribute less than 50 grams of cocaine base and argues that his sentence for possession with intent to distribute more than 50 grams of cocaine base should be reduced further and that he is entitled to a full resentencing.

Section 404 of the First Step Act provides a sentencing court with limited authority to reduce a prisoner's sentence for certain "covered offenses." *United States v. Hegwood*, 934 F.3d 414, 416–17 (5th Cir. 2019). While Hill is eligible for relief under the First Step Act, eligibility for relief "does not equate to entitlement." *United States v. Batiste*, 980 F.3d 466, 471 (5th Cir. 2020). Because the record reflects that the district court considered the relevant 18 U.S.C. § 3553(a) factors, public safety issues, and his post-sentencing conduct before declining to reduce Hill's sentence for his offense of possession with intent to distribute less than 50 grams of cocaine base, the district court did not abuse its discretion. *See United States v. Jackson*, 945 F.3d 315, 321–22 (5th Cir. 2019).

Additionally, Hill asserts that his sentence for possessing more than 50 grams of cocaine base should have been reduced further because there was no jury finding on the pertinent drug quantity. However, the record reflects that the jury was explicitly instructed that to find him guilty of this charge, it had to determine that he possessed with intent to distribute "more than 50 grams of a mixture and substance containing a detectable amount of cocaine base." Hill is not entitled to a full resentencing because the First Step Act only provides the district court with limited authority to reduce a sentence, not authority to conduct a plenary resentencing proceeding. *See Hegwood*, 934 F.3d at 418–19.

Accordingly, the district court's order is AFFIRMED.