

United States Court of Appeals
for the Fifth Circuit

United States Court of Appeals
Fifth Circuit

FILED

December 28, 2021

Lyle W. Cayce
Clerk

No. 20-20531
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

REGINALD DESEAN LOVE,

Defendant—Appellant.

Appeal from the United States District Court
for the Southern District of Texas
USDC No. 4:18-CR-7-1

Before OWEN, *Chief Judge*, and ELROD and GRAVES, *Circuit Judges*.

PER CURIAM:*

Reginald Desean Love appeals the sentence imposed following his conviction for production of child pornography. He contends that the lifetime term of supervised release imposed by the district court was procedurally unreasonable because the court relied on clearly erroneous

* Pursuant to 5TH CIRCUIT RULE 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIRCUIT RULE 47.5.4.

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facts, i.e., pending state charges that stemmed from the same conduct underlying the federal charge and that were listed in the presentence report.

We review criminal sentences for reasonableness. *Gall v. United States*, 552 U.S. 38, 49-51 (2007). In that regard, we first determine whether the district court committed any “significant procedural error, such as . . . selecting a sentence based on clearly erroneous facts.” *Id.* at 51.

Love’s request for a downward departure or sentence at the low end of the guidelines range was not sufficient to preserve his allegation of procedural error; consequently, we review his procedural argument for plain error. *See United States v. Coto-Mendoza*, 986 F.3d 583, 586 (5th Cir. 2021), *cert. denied*, 2021 WL 4508433 (U.S. Oct. 4, 2021) (No. 20-8439). Because the record belies Love’s contention that the district court based his lifetime term of supervision on the pending charges, his procedural challenge to this sentence fails. *See id.*

AFFIRMED.