

United States Court of Appeals
for the Fifth Circuit

United States Court of Appeals
Fifth Circuit

FILED

April 16, 2021

Lyle W. Cayce
Clerk

No. 20-30293
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

JAMES H. BATES,

Defendant—Appellant.

Appeal from the United States District Court
for the Eastern District of Louisiana
USDC No. 2:06-CR-243-1

Before HIGGINBOTHAM, JONES, and COSTA, *Circuit Judges.*

PER CURIAM:*

James H. Bates, federal prisoner # 24837-034, has appealed the district court's order denying his motion for resentencing pursuant to Section 404 of the First Step Act of 2018. He asserts that, in denying his motion, the district court failed to place itself in the time frame of his original

* Pursuant to 5TH CIRCUIT RULE 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIRCUIT RULE 47.5.4.

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sentencing proceeding, properly consider all the statutory sentencing factors, conduct an individualized assessment of his unique circumstances, and provide a sufficient explanation of its reasons for denying his motion. He has not shown that the district court abused its discretion. *See United States v. Batiste*, 980 F.3d 466, 477-79 (5th Cir. 2020); *United States v. Hegwood*, 934 F.3d 414, 418 (5th Cir.), *cert. denied*, 140 S. Ct. 285 (2019). Bates also asserts that the district court's decision was substantively unreasonable. As he now concedes, this issue is foreclosed. *See Batiste*, 980 F.3d at 479-80. The district court's order is AFFIRMED.