

United States Court of Appeals  
for the Fifth Circuit

United States Court of Appeals  
Fifth Circuit

**FILED**

April 7, 2021

Lyle W. Cayce  
Clerk

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No. 20-30294  
Summary Calendar

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UNITED STATES OF AMERICA,

*Plaintiff—Appellee,*

*versus*

JOHNNIE SIMS,

*Defendant—Appellant.*

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Appeal from the United States District Court  
for the Eastern District of Louisiana  
USDC No. 2:05-CR-297-3

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Before HAYNES, WILLETT, and HO, *Circuit Judges.*

PER CURIAM:\*

Johnnie Sims has appealed the district court's order denying his motion for a sentence reduction pursuant to Section 404 of the First Step Act of 2018. He asserts that the district court misapplied this court's decision in *United States v. Hegwood*, 934 F.3d 414 (5th Cir.), *cert. denied*, 140 S. Ct. 285

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\* Pursuant to 5TH CIRCUIT RULE 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIRCUIT RULE 47.5.4.

No. 20-30294

(2019), failed to properly consider all of the statutory sentencing factors, and failed to conduct an individualized assessment of his unique circumstances. Sims fails to demonstrate an abuse of discretion. *See United States v. Batiste*, 980 F.3d 466, 477–79 (5th Cir. 2020). Sims also asserts that the district court’s decision was substantively unreasonable. As he now concedes, this question is foreclosed. *See id.* at 479–80. The district court’s order is AFFIRMED.