

United States Court of Appeals
for the Fifth Circuit

United States Court of Appeals
Fifth Circuit

FILED

April 19, 2021

Lyle W. Cayce
Clerk

No. 20-60558
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

ELI TOM ORR,

Defendant—Appellant.

Appeal from the United States District Court
for the Northern District of Mississippi
USDC No. 1:03-CR-35-1

Before DAVIS, STEWART, and DENNIS, *Circuit Judges.*

PER CURIAM:*

Eli Tom Orr, federal prisoner # 11754-042, 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 placed too much weight on his criminal history, improperly considered

* Pursuant to 5TH CIRCUIT RULE 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIRCUIT RULE 47.5.4.

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a murder charge of which he was not convicted, and ignored his good behavior in prison. He has not shown that the district court abused its discretion. *See United States v. Batiste*, 980 F.3d 466, 469 (5th Cir. 2020); *United States v. Jackson*, 945 F.3d 315, 321-22 (5th Cir. 2019), *cert denied*, 140 S. Ct. 2699 (2020).

AFFIRMED.