

United States Court of Appeals
for the Fifth Circuit

United States Court of Appeals
Fifth Circuit

FILED

March 17, 2022

Lyle W. Cayce
Clerk

No. 21-30553
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

STEVEN CHARLES MONTGOMERY,

Defendant—Appellant.

Appeal from the United States District Court
for the Western District of Louisiana
USDC No. 5:20-CR-159-1

Before CLEMENT, HO, and OLDHAM, *Circuit Judges.*

PER CURIAM:*

Steven Charles Montgomery appeals his 292-month within-guidelines sentence of imprisonment following his guilty plea conviction of conspiracy to distribute methamphetamine. He argues that his sentence is substantively

* Pursuant to 5TH CIRCUIT RULE 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIRCUIT RULE 47.5.4.

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unreasonable because the district court failed to give proper weight to his cooperation, his health, and his circumstances.

Our review is for an abuse of discretion. *See United States v. Burney*, 992 F.3d 398, 399-400 (5th Cir. 2021). Sentences within the properly calculated advisory guidelines range, as here, are presumed to be substantively reasonable, and we will infer from such a sentence that “the district court has considered all the factors for a fair sentence set forth in the Guidelines.” *United States v. Candia*, 454 F.3d 468, 473 (5th Cir. 2006) (internal quotation marks and citation omitted). Montgomery’s arguments regarding the district court’s balancing of the sentencing factors and its refusal to grant him a downward variance fail to rebut the presumption of reasonableness. *See United States v. Koss*, 812 F.3d 460, 472 (5th Cir. 2016). He fails to show that the district court failed to account for a factor that should have received significant weight, gave significant weight to an irrelevant or improper factor, or committed a clear error of judgment in balancing the 18 U.S.C. § 3553(a) factors. *See United States v. Hernandez*, 876 F.3d 161, 166 (5th Cir. 2017).

AFFIRMED.