

# United States Court of Appeals for the Fifth Circuit

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No. 22-11041  
Summary Calendar

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United States Court of Appeals  
Fifth Circuit

**FILED**

March 3, 2023

Lyle W. Cayce  
Clerk

UNITED STATES OF AMERICA,

*Plaintiff—Appellee,*

*versus*

CHRISTOPHER ALEXANDER,

*Defendant—Appellant.*

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Appeal from the United States District Court  
for the Northern District of Texas  
USDC No. 5:01-CR-60-1

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Before SMITH, SOUTHWICK, and DOUGLAS, *Circuit Judges.*

PER CURIAM:\*

Christopher Alexander, federal prisoner #25906-177, was sentenced to life imprisonment for a drug-trafficking conspiracy involving cocaine base. On motion by Alexander, the district court reduced the sentence to 480 months of imprisonment per section 404 of the First Step Act of 2018 (“FSA”), Pub. L. No. 115-391, § 404, 132 Stat. 5194, 5222. After our decision affirming the judgment, Alexander filed another motion on the basis that

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\* This opinion is not designated for publication. *See* 5TH CIR. R. 47.5.

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*Concepcion v. United States*, 142 S. Ct. 2389 (2022), required a further reduction in light of intervening changes in the law and that a plenary sentencing hearing should be held. See *United States v. Alexander*, No. 21-10929, 2022 WL 1549473 (5th Cir. May 17, 2022) (unpublished).

In *Concepcion*, the Court held that if a defendant has a covered offense and is eligible, a district court may consider intervening legal and factual developments, including a post-sentencing rehabilitation, when deciding whether to reduce under the FSA. *Concepcion*, 142 S. Ct. at 2402–04. Alexander’s theory that *Concepcion* should be read to mandate a plenary sentencing hearing is unavailing. See *id.* at 2404; *United States v. Jackson*, 945 F.3d 315, 321 (5th Cir. 2019).

The district court considered Alexander’s motion and determined that a further reduction was not warranted in light of the 18 U.S.C. § 3553(a) factors, specifically public safety issues and Alexander’s post-sentencing conduct. Alexander’s failure to challenge the district court’s reasons for determining that a further reduction was not warranted constitutes an abandonment of the issue on appeal. See *United States v. Scroggins*, 599 F.3d 433, 446–47 (5th Cir. 2010).

We do not consider Alexander’s newly raised claim that his 480-month sentence is substantively unreasonable. See *Fillingham v. United States*, 867 F.3d 531, 539 (5th Cir. 2017). In any event, his argument is foreclosed. See *United States v. Batiste*, 980 F.3d 466, 480 (5th Cir. 2020).

Alexander has failed to show that the district court abused its discretion. See *id.* at 469. The judgment is AFFIRMED.