

United States Court of Appeals
for the Fifth Circuit

No. 22-60355
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

February 28, 2023

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

FREDERICK BELVIN,

Defendant—Appellant.

Appeal from the United States District Court
for the Northern District of Mississippi
USDC No. 4:21-CR-30-1

Before JONES, HAYNES, and OLDHAM, *Circuit Judges.*

PER CURIAM:*

Frederick Belvin appeals the 151-month sentence imposed following his guilty plea to distributing cocaine. He argues that the sentence is substantively unreasonable, and our review is for abuse of discretion. *See Holguin-Hernandez v. United States*, 140 S. Ct. 762, 766-67 (2020); *Gall v. United States*, 552 U.S. 38, 51-52 (2007).

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

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Belvin has failed to make the showing required to rebut the presumption of reasonableness that applies to his within-guidelines sentence. *See United States v. Cooks*, 589 F.3d 173, 186 (5th Cir. 2009). The district court considered his medical conditions at sentencing but explained why his criminal history and the facts of this case did not warrant a downward variance given the purposes of sentencing. Belvin's arguments on appeal essentially urge us to reweigh the sentencing factors, which we will not do. *See United States v. Hernandez*, 876 F.3d 161, 167 (5th Cir. 2017).

AFFIRMED.