

United States Court of Appeals for the Fifth Circuit

No. 25-10896
Summary Calendar

United States Court of Appeals
Fifth Circuit
FILED
January 27, 2026

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

FERNANDO PEREZ,

Defendant—Appellant.

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 4:15-CR-129-2

Before SMITH, HIGGINSON, and WILSON, *Circuit Judges.*

PER CURIAM:*

Fernando Perez, federal prisoner #49249-177, appeals the order denying him, per 18 U.S.C. § 3582(c)(2), a reduction in his 240-month sentence for conspiracy to possess with intent to distribute methamphetamine. Perez claims that he is eligible for a reduction under Subpart 1 of Part B of Amendment 821 because he qualifies as a zero-point offender. He additionally contends that he has been rehabilitated and has a minimal probability of being

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

No. 25-10896

a reoffender.

We review for abuse of discretion a denial of a motion for a sentence reduction under § 3582(c)(2) and denial of a motion for reconsideration. *See United States v. Calton*, 900 F.3d 706, 710 (5th Cir. 2018). Perez's presentence report indicates that he possessed a firearm in connection with his offense. Thus, he is not eligible for a reduction under Subpart 1 of Part B of Amendment 821 because he does not satisfy the criteria to be a zero-point offender under U.S.S.G. § 4C1.1(a)(7).

Accordingly, Perez has failed to demonstrate that the district court abused its discretion in denying his § 3582(c)(2) motion for a sentence reduction. *See Calton*, 900 F.3d at 710. The order is AFFIRMED.