

United States Court of Appeals for the Fifth Circuit

No. 25-40279
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

January 2, 2026

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

ANDRES GARCIA, JR.,

Defendant—Appellant.

Appeal from the United States District Court
for the Southern District of Texas
USDC No. 7:21-CR-2497-1

Before HIGGINBOTHAM, ENGELHARDT, and RAMIREZ, *Circuit Judges.*

PER CURIAM:*

Andres Garcia Jr. pleaded guilty to possession with intent to distribute 50 grams or more of methamphetamine. In his first appeal, a different panel of this court affirmed the district court's application of the career offender enhancement but vacated his sentence due to a miscalculated criminal-history category and remanded for resentencing. *See United States v. Garcia,*

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

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No. 23-40717, 2025 WL 545711 (5th Cir. Feb. 19, 2025) (unpublished). On remand, the district court resentenced Garcia to the same below-guidelines sentence. Now, Garcia argues that his resentencing violated our previous mandate.

“We review *de novo* whether the trial court faithfully and accurately applied our instructions on remand.” *United States v. Solorzano*, 65 F.4th 245, 248 (5th Cir. 2023) (per curiam) (quoting *Soblely v. S. Nat. Gas Co.*, 302 F.3d 325, 332 (5th Cir. 2002)). After reviewing the record, we conclude that the district court comported with “both the letter and the spirit” of the mandate. *United States v. Teel*, 691 F.3d 578, 583 (5th Cir. 2012) (internal quotation marks and citation omitted). Further, because there is no basis for a remand, Garcia’s request for reassignment to a different district court judge is “of no moment.” *Johnson v. Harris Cnty.*, 83 F.4th 941, 947 (5th Cir. 2023).

The judgment of the district court is AFFIRMED.