

United States Court of Appeals for the Fifth Circuit

No. 25-51048
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

October 28, 2026

Thomas B. Plunkett, III
Clerk

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

RYAN STEVENS,

Defendant—Appellant.

Appeal from the United States District Court
for the Western District of Texas
USDC No. 1:25-CR-118-1

Before CLEMENT, HAYNES, and RAMIREZ, *Circuit Judges*.

PER CURIAM:*

Shortly after midnight, two men were displaying bundles of cash and taking photos on a crowded street known for its nightlife in Austin, Texas. Ryan Stevens approached these two men, brandished a firearm, and took the cash. When one of the men protested, Stevens pointed his firearm at the man's head. As police detained Stevens, he kicked one of the officers.

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

No. 25-51048

Considering his conduct, Stevens pleaded guilty to being a felon in possession of a firearm. *See* 18 U.S.C. § 922(g). Pursuant to his plea agreement, Stevens waived the right to appeal his sentence on any ground except to assert claims concerning prosecutorial misconduct or ineffective assistance of counsel. At sentencing, the district court imposed an above-guideline sentence of 168 months of imprisonment. Stevens appealed.

Now, for the first time, Stevens argues that his criminal history score was incorrectly calculated. The Government responds that Stevens's argument is barred by his appellate waiver. Stevens replies that the district court's criminal history calculation error is a miscarriage of justice and that his argument is therefore excepted from any appellate waiver under *Hunter v. United States*, 608 U.S. 713 (2026). Stevens reasons that because his criminal history category was incorrectly calculated, his sentence is based on materially untrue facts, which would violate his due process rights and constitute a miscarriage of justice.

Stevens is incorrect. This is a “run-of-the-mill challenge to the district court's application of the Sentencing Guidelines” and does not amount to a miscarriage of justice. *United States v. London*, 186 F.4th 884, 885 (5th Cir. 2026) (per curiam); *see also United States v. Hunter*, 183 F.4th 416, 419–24 (5th Cir. 2026).

Accordingly, we enforce Stevens's appeal waiver and DISMISS this appeal.