

United States Court of Appeals for the Fifth Circuit

No. 26-10224
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

September 8, 2026

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

AMBERLY HASTINGS,

Defendant—Appellant.

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 4:22-CR-267-1

Before STEWART, RICHMAN, and HIGGINSON, *Circuit Judges*.

PER CURIAM:*

Amberly Hastings, federal prisoner # 12048-510, appeals from the district court's denial of her pro se motion, which she styled: "Modified Motion to Correct Sentence under 18 U.S.C. [§] 3582(c)(1)(B) and [§] 3582(c)(2) Based on Misclassified Relevant Conduct under U.S.S.G. [§] 1B1.3 and [§] 4A1.2 Creating Erroneous Criminal History Points in the

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

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Presentence Report (PSR), Unlawfully Hindering Eligibility for Amendment 821 and Related Relief.” In her motion, Hastings argued that she was erroneously assessed three criminal history points for convictions that should have been categorized as relevant conduct under U.S.S.G. § 1B1.3, rather than as convictions that increased her criminal history points under U.S.S.G. § 4A1.1 and her criminal history category. She repeats her challenges to her sentence on appeal.

Hastings’s claim that her guidelines range was erroneously calculated is a “quintessential argument[] for challenging the fact or duration of [her] confinement” and is “the province of a direct appeal or a § 2255 motion, not a [§ 3582(c)] motion.” *United States v. Escajeda*, 58 F.4th 184, 187 (5th Cir. 2023). She “cannot use § 3582(c) to challenge the legality or the duration of [her] sentence.” *Id.*

The district court’s order denying Hastings’s motion is AFFIRMED.