

United States Court of Appeals
for the Fifth Circuit

United States Court of Appeals
Fifth Circuit

FILED

August 24, 2026

Lyle W. Cayce
Clerk

No. 26-20054

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

MARC ANTHONY HILL,

Defendant—Appellant.

Appeal from the United States District Court
for the Southern District of Texas
USDC No. 4:17-CR-7-1

Before STEWART, WILLETT, and WILSON, *Circuit Judges.*

PER CURIAM:*

Marc Anthony Hill, federal prisoner # 18512-479, seeks to proceed in forma pauperis (IFP) from the denial of his motion for a sentence reduction pursuant to 18 U.S.C. § 3582(c)(2). Hill contends that the district court failed to provide sufficient reasons for denying his motion, specifically asserting that the district court was required to recalculate his guideline range based on Amendment 821 in accordance with U.S.S.G. § 1B1.10, and that

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

No. 26-20054

U.S.S.G. § 2K2.1(c) was improperly applied under this court's precedent. By moving for leave to proceed IFP, Hill is challenging the district court's certification that the appeal is not taken in good faith. *See Baugh v. Taylor*, 117 F.3d 197, 202 (5th Cir. 1997).

Hill does not qualify for a sentence reduction under Amendment 821 as a matter of law because he was not assessed status points, he was assessed one criminal history point, and the offense involved the death of someone. *See* U.S.S.G. § 4A1.1(e); U.S.S.G. § 4C1.1(a)(1), (a)(4). Hill's argument that § 2K2.1(c) was improperly applied is misplaced, as § 3582(c)(2) applies only to Guideline amendments made retroactive by the Sentencing Commission. *See Dillon v. United States*, 560 U.S. 817, 826 (2010). We do not consider Hill's claims, raised for the first time on appeal, that (1) he was entitled to a mitigating role adjustment due to the Government's judicial admission that Hill was an "average participant" and that the admission invalidated the factual basis supporting the application of the § 2K2.1(c) cross-reference and relevant conduct provisions of U.S.S.G. § 1B1.3, (2) his sentence violates *Barrett v. United States*, 607 U.S. 128 (2026), and (3) the cumulative effect of all the errors warranted a sentence reduction, *see United States v. Pardue*, 36 F.3d 429, 431 (5th Cir. 1994); in any event, these claims are not cognizable in a § 3582(c)(2) motion, *see Dillon*, 560 U.S. at 824-26; *United States v. Hernandez*, 645 F.3d 709, 712 (5th Cir. 2011).

Thus, Hill fails to raise a nonfrivolous issue as to the denial of his § 3582(c)(2) motion. *See Howard v. King*, 707 F.2d 215, 220 (5th Cir. 1983). His IFP motion is DENIED, and the appeal is DISMISSED as frivolous. *See Baugh*, 117 F.3d at 202 n.24; 5TH CIR. R. 42.2. Hill's request for transcripts at the Government's expense is also DENIED.