

United States Court of Appeals for the Fifth Circuit

No. 24-60046
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED
September 9, 2024

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

REGINALD SIMPSON,

Defendant—Appellant.

Appeal from the United States District Court
for the Northern District of Mississippi
USDC No. 3:22-CR-134-1

Before WIENER, HO, and RAMIREZ, *Circuit Judges.*

PER CURIAM:*

Defendant-Appellant Reginald Simpson appeals the sentence imposed following his guilty-plea conviction for possession of a firearm by a felon in violation of 18 U.S.C. § 922(g)(1). He contends that his within-guidelines sentence of 120 months is substantively unreasonable.

Because Simpson preserved his challenge to the substantive

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

No. 24-60046

reasonableness of his sentence, our review is for abuse of discretion. *See Holguin-Hernandez v. United States*, 589 U.S. 169, 174–75 (2020). A properly calculated sentence within the guidelines range is presumptively reasonable. *United States v. Jenkins*, 712 F.3d 209, 214 (5th Cir. 2013). The only way that this presumption may be rebutted is if the appellant can demonstrate that the sentence does not account for a factor that should receive significant weight, gives significant weight to an irrelevant or improper factor, or represents a clear error of judgment in balancing the sentencing factors. *Id.*

The record demonstrates that the district court considered Simpson’s mitigation arguments and the § 3553(a) factors, including the context of his offense. Simpson has not rebutted the presumption that his within-guidelines sentence is reasonable. *See id.*

AFFIRMED.