

United States Court of Appeals
for the Fifth Circuit

No. 23-60484
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

May 3, 2024

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

ROBERT TAYLOR,

Defendant—Appellant.

Appeal from the United States District Court
for the Northern District of Mississippi
USDC No. 1:22-CR-115-1

Before JONES, SOUTHWICK, and HO, *Circuit Judges.*

PER CURIAM:*

Robert Taylor pleaded guilty, with a plea agreement, to interstate transportation of a visual depiction of a minor engaging in sexually explicit conduct. The district court sentenced him to 135 months of imprisonment, five years of supervised release, and \$7000 in restitution. Taylor appeals his sentence. We review a sentence for reasonableness in view of the 18 U.S.C.

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

§ 3553(a) sentencing factors. *Gall v. United States*, 552 U.S. 38, 49-50 (2007). We first determine whether the district court committed any significant procedural error. *Id.* at 51. Then, if necessary, we “proceed to the second step and review the substantive reasonableness of the sentence imposed for an abuse of discretion.” *United States v. Odom*, 694 F.3d 544, 547 (5th Cir. 2012).

Taylor argues that the sentence was procedurally flawed because the district court failed to provide an adequate explanation. *See Gall*, 552 U.S. at 51. Taylor concedes that our review is for plain error. *See United States v. Coto-Mendoza*, 986 F.3d 583, 585-86 (5th Cir. 2021). The district court “should set forth enough to satisfy the appellate court that [it] has considered the parties’ arguments and has a reasoned basis for exercising [its] legal decisionmaking authority.” *Rita v. United States*, 551 U.S. 338, 356 (2007). The district court considered Taylor’s arguments for a downward variance, rejected them, and had a reasoned basis for exercising its authority. *See id.*

Next, Taylor argues the district court imposed an unreasonable sentence because it denied his motion for a downward variance. We review the denial of a downward variance for abuse of discretion and recognize that a sentence within a properly calculated guidelines range is presumptively reasonable. *United States v. Douglas*, 957 F.3d 602, 609 (5th Cir. 2020). To rebut the presumption, a defendant must show “that the sentence does not account for a factor that should receive significant weight, it gives significant weight to an irrelevant or improper factor, or it represents a clear error of judgment in balancing sentencing factors.” *Id.* (internal quotation marks and citation omitted). Taylor has not made this showing.

AFFIRMED.