IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

United States Court of Appeals
Fifth Circuit

FILED
May 2, 2014

Lyle W. Cayce
Clerk

No. 13-50681
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

TERRY DWAYNE ROBINSON,

Defendant-Appellant

Appeal from the United States District Court
for the Western District of Texas
USDC No. 7:13-CR-111-1

Before REAVLEY, PRADO, and ELROD, Circuit Judges.

PER CURIAM:*

Terry Dwayne Robinson appeals the 120-month sentence he received following his guilty plea conviction for aiding and abetting the possession with intent to distribute 28 grams or more of cocaine base. In his sole argument, he asserts that his sentence was substantively unreasonable in light of the Attorney General's institution of a new policy shortly after the date of his sentencing; this policy advises prosecutors not to allege facts triggering a

* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

mandatory minimum sentence in drug cases unless there exist aggravating circumstances. Because Robinson was sentenced before the date of the Attorney General's memorandum, he is not entitled to relief under it. *See United States v. Barnes*, 730 F.3d 456, 459-60 (5th Cir. 2013). Moreover, the policy specifically provides that it does not intend to confer any rights or benefits in any proceeding. *Id.* As a result, Robinson is unable to show that the district court committed a clear or obvious error in its imposition of a within-guidelines sentence. *See Puckett v. United States*, 556 U.S. 129, 135 (5th Cir. 2009). The judgment of the district court is therefore AFFIRMED.