

**IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT**

\_\_\_\_\_  
No. 16-50228  
Summary Calendar  
\_\_\_\_\_

United States Court of Appeals  
Fifth Circuit

**FILED**

January 11, 2017

Lyle W. Cayce  
Clerk

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

JUAN JESUS HERNANDEZ,

Defendant-Appellant

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Appeals from the United States District Court  
for the Western District of Texas  
USDC No. 2:12-CR-529-3  
\_\_\_\_\_

Before KING, DENNIS, and COSTA, Circuit Judges.

PER CURIAM:\*

Juan Jesus Hernandez, federal prisoner # 44338-177, challenges the denial of his 18 U.S.C. § 3582(c)(2) motion, in which he sought a reduction of his below-guidelines sentence for a drug offense based on Amendment 782 to the United States Sentencing Guidelines. He contends that the district court failed to explain its decision, give enough weight to his post-sentencing

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

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conduct, provide him with the revised presentence report, and consider sentencing disparities.

We review the denial of a § 3582(c)(2) motion for an abuse of discretion. *United States v. Evans*, 587 F.3d 667, 672 (5th Cir. 2009). The district court's order and statements at the hearing reflects its consideration of the § 3582(c)(2) motion, which was filed jointly with the Government, the policy statement under U.S.S.G. § 1B1.10, and the 18 U.S.C. § 3553(a) factors. Because the record shows that the district court gave due consideration to the § 3582(c)(2) motion and the § 3553(a) factors, Hernandez has not shown an abuse of discretion. *See United States v. Whitebird*, 55 F.3d 1007, 1009 (5th Cir. 1995).

AFFIRMED.