

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

United States Court of Appeals
Fifth Circuit

FILED

May 5, 2020

Lyle W. Cayce
Clerk

No. 19-30613
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

v.

MICHAEL A. LORD,

Defendant-Appellant.

Appeal from the United States District Court
for the Western District of Louisiana
USDC No. 5:15-CR-240-1

Before CLEMENT, ELROD, and OLDHAM, Circuit Judges.

PER CURIAM:*

Michael A. Lord pleaded guilty to conspiracy to operate an unlicensed money servicing business involving bitcoin and to conspiracy to distribute and possess Alprazolam (Xanax), a Schedule IV controlled substance, with the intent to distribute. He was sentenced to 46 months imprisonment on the bitcoin conspiracy and 60 months on the drug conspiracy, to run consecutively. On his first appeal, we affirmed his convictions but reversed and remanded his

* 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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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sentence. On remand, the district court sentenced Lord to consecutive 46 and 60-month sentences, for a total of 106 months. Lord objected because this was the same sentence imposed prior to this court's remand. Lord now appeals, challenging his sentence as procedurally and substantively unreasonable.

We review a district court's sentencing decision for procedural and substantive reasonableness, under the abuse-of-discretion standard. *Gall v. United States*, 552 U.S. 38, 50-51 (2007).

Lord complains that the district court erred in justifying its sentence with only conclusory reasons. But the district court considered the parties' arguments, and it gave its reasons for imposing consecutive sentences totaling 106 months, making clear its rationale for the sentence. *See Rita v. United States*, 551 U.S. 338, 356 (2007). This is sufficient under our precedent. *See id.*

Further, Lord cannot show that the district court abused its discretion by misapplying U.S.S.G. § 5G1.2(d). The district court did not impose a Guidelines-based sentence under § 5G1.2(d) but upwardly varied. Section 5G1.2 does not limit the district court's discretion to vary upwardly from the guidelines range based upon the 18 U.S.C. § 3553(a) factors and impose consecutive sentences. *See* 18 U.S.C. § 3584; *United States v. Conlan*, 768 F.3d 380, 394-95 & n.46 (5th Cir. 2015).

Lord's substantive reasonableness challenge also fails under the abuse-of-discretion standard. *See United States v. Rodriguez*, 602 F.3d 346, 361 (5th Cir. 2010). The district court's comments at sentencing reflect its consideration of the § 3553(a) factors. *See United States v. Smith*, 440 F.3d 704, 708 (5th Cir. 2006). Lord asks us to reweigh the § 3553(a) factors, which is outside the scope of our review. *See Gall*, 552 U.S. at 51. Given the deference afforded to a district court's assessment of the § 3553(a) factors and the reasons for its

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sentencing decision, Lord has not shown that his sentence is unreasonable. *See id.* at 51.

AFFIRMED.