

United States Court of Appeals for the Fifth Circuit

No. 21-51146
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

October 25, 2022

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

JOHNELL LEWIS BRITTON, SR.,

Defendant—Appellant.

Appeal from the United States District Court
for the Western District of Texas
USDC No. 6:20-CR-51-1

Before JONES, HAYNES, and OLDHAM, *Circuit Judges.*

PER CURIAM:*

Johnell Lewis Britton, Sr., appeals the 63-month sentence imposed following his guilty plea to possession of a firearm by a convicted felon. He argues that the district court committed a significant procedural error by imposing an above-guidelines sentence without providing fact-specific

* Pursuant to 5TH CIRCUIT RULE 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIRCUIT RULE 47.5.4.

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reasons. Because he did not object on this basis in district court, we review his challenge for plain error only. *See United States v. Coto-Mendoza*, 986 F.3d 583, 585-86 (5th Cir.), *cert. denied*, 142 S. Ct. 207 (2021).

At sentencing, district courts are required to state in open court the reasons for the sentence imposed, and courts should provide more explanation for a non-guidelines sentence. 18 U.S.C. § 3553(c); *Rita v. United States*, 551 U.S. 338, 356-57 (2007). Our examination of the record shows that the district court in this case considered the parties' arguments and relevant information before determining that specific sentencing factors warranted an above-guidelines sentence. Thus, Britton fails to meet his burden of showing that the district court made a clear or obvious procedural error with respect to the adequacy of the sentencing court's reasons supporting an above-guidelines sentence. *See United States v. Diaz Sanchez*, 714 F.3d 289, 294 (5th Cir. 2013); *United States v. Fraga*, 704 F.3d 432, 439 (5th Cir. 2013).

Accordingly, the judgment of the district court is AFFIRMED.