

United States Court of Appeals for the Fifth Circuit

No. 22-10675
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

March 27, 2023

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

ASHLEY LATREECE THACKERSON,

Defendant—Appellant.

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 6:21-CR-58-13

Before HIGGINBOTHAM, GRAVES, and HO, *Circuit Judges.*

PER CURIAM:*

Ashley Latreece Thackerson appeals the sentence imposed following her guilty plea conviction for conspiracy to distribute and possess 50 grams or more of methamphetamine with intent to distribute. Relying on *United States v. Lopez*, 998 F.3d 431 (9th Cir. 2021), Thackerson argues that she is eligible for safety valve relief under 18 U.S.C. § 3553(f) and that her statutory

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

No. 22-10675

mandatory minimum prison term of 120 months should be vacated. The Government has filed an opposed motion for summary affirmance or, in the alternative, for an extension of time to file an appellate brief.

Thackerson's argument is now foreclosed by our recent decision in *United States v. Palomares*, 52 F.4th 640 (5th Cir. 2022), *petition for cert. filed* (U.S. Dec. 21, 2022) (No. 22-6391). Because Thackerson ran afoul of § 3553(f)(1)(B)'s requirement that she not have a prior three-point criminal offense, she was ineligible for relief under § 3553(f). *See Palomares*, 52 F.4th at 647.

In light of the foregoing, the judgment of the district court is AFFIRMED. The Government's motion for summary affirmance and alternative motion for an extension of time to file a brief are DENIED. *See United States v. Bailey*, 924 F.3d 1289, 1290 (5th Cir. 2019).