

## APPENDIX A

## United States v. Lopez-Mejia

United States Court of Appeals for the Fifth Circuit

May 13, 2021, Filed

No. 20-10930 Summary Calendar

### **Reporter**

847 Fed. Appx. 249 \*; 2021 U.S. App. LEXIS 14227 \*\*; 2021 WL 1940875

UNITED STATES OF AMERICA, Plaintiff—Appellee,  
versus JESUS LOPEZ-MEJIA, Defendant—Appellant.

**Notice:** PLEASE REFER TO *FEDERAL RULES OF APPELLATE PROCEDURE RULE 32.1 GOVERNING THE CITATION TO UNPUBLISHED OPINIONS.*

**Prior History:** [\*\*1] Appeal from the United States District Court for the Northern District of Texas. USDC No. 3:19-CR-592-1.

**Counsel:** For United States of America, Plaintiff - Appellee: Jonathan Glen Bradshaw, Assistant United States Attorney, Leigha Amy Simonton, Assistant U.S. Attorney, U.S. Attorney's Office, Dallas, TX.

For Jesus Lopez-Mejia, Defendant - Appellant: Brandon Elliott Beck, Federal Public Defender's Office, Lubbock, TX.

**Judges:** Before WIENER, SOUTHWICK, and DUNCAN, Circuit Judges.

## **Opinion**

[\*249] PER CURIAM:<sup>\*</sup>

Jesus Lopez-Mejia challenges his 75-month sentence of imprisonment imposed following his guilty plea conviction for illegal reentry after removal from the United States.

Because Lopez-Mejia "advocate[d] for a sentence shorter than the one ultimately imposed," he preserved his challenge to the substantive reasonableness of the sentence. *Holguin-Hernandez v. United States*, 140 S. Ct. 762, 766-67, 206 L. Ed. 2d 95 (2020). Accordingly, we review for abuse of discretion. *United States v. Johnson*, 619 F.3d 469, 472 (5th Cir. 2010).

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 Pursuant to **5TH CIRCUIT RULE 47.5**, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in **5TH CIRCUIT RULE 47.5.4**.

The record does not show that the district court failed to account for a factor that should have received significant weight, gave significant weight to an irrelevant or improper factor, or committed a clear error of judgment in balancing the [18 U.S.C. § 3553\(a\)](#) factors. *See United States v. Smith*, 440 F.3d 704, 708 (5th Cir. 2006). Rather, the court considered the parties' arguments, Lopez-Mejia's allocution, and [\*\*2] his criminal history. Lopez-Mejia's arguments amount to no more than a request for this court to reweigh the [§ 3553\(a\)](#) factors, which this court will not do as the district court is "in a superior position to find facts and judge their import under [§ 3553\(a\)](#) with respect to a particular defendant." *United States v. Campos-Maldonado*, 531 F.3d 337, 339 (5th Cir. 2008) (per curiam). Under the totality of the circumstances, the sentence is reasonable. *See United States v. Gerezano-Rosales*, 692 F.3d 393, 400 (5th Cir. 2012). Accordingly, the judgment of the district court is AFFIRMED.

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## APPENDIX B

**UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF TEXAS DALLAS DIVISION**

UNITED STATES OF AMERICA

**JUDGMENT IN A CRIMINAL CASE**

v.

**JESUS LOPEZ-MEJIA**

Case Number: 3:19-CR-00592-B(1)

USM Number: 50173-177

**Maria Esther Torres Chin**

Defendant's Attorney

**THE DEFENDANT:**

|                                     |   |   |
|-------------------------------------|---|---|
| <input type="checkbox"/>            | pleaded guilty to count(s)  |   |
| <input checked="" type="checkbox"/> | pleaded guilty to count(s) before a U.S. Magistrate Judge, which was accepted by the court. | Count 1 of the one-count Indictment filed November 14, 2019 |
| <input type="checkbox"/>            | pleaded nolo contendere to count(s) which was accepted by the court                         |   |
| <input type="checkbox"/>            | was found guilty on count(s) after a plea of not guilty                                     |   |

The defendant is adjudicated guilty of these offenses:

| <u>Title &amp; Section / Nature of Offense</u>                                   | <u>Offense Ended</u> | <u>Count</u> |
|--|----------------------|--------------|
| 8 U.S.C. § 1326(a) & (b)(1) Illegal Reentry After Removal from the United States | 09/17/2019           | 1            |

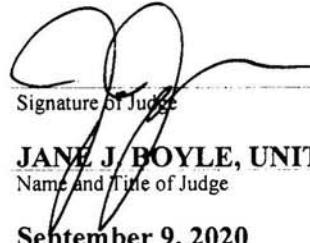
The defendant is sentenced as provided in pages 2 through 4 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

The defendant has been found not guilty on count(s)  
 Count(s)     is     are dismissed on the motion of the United States.

It is ordered that the defendant must notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and United States attorney of material changes in economic circumstances.

**September 8, 2020**

Date of Imposition of Judgment



Signature of Judge

**JANE J. BOYLE, UNITED STATES DISTRICT JUDGE**  
 Name and Title of Judge

**September 9, 2020**

Date

DEFENDANT: JESUS LOPEZ-MEJIA  
CASE NUMBER: 3:19-CR-00592-B(1)

## IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term of:  
75 months as to count 1. No term of supervised release imposed.

This sentence shall run consecutively to any sentence imposed in Case No. MA1924341 out of Dallas County Criminal Court No. 2, as this charge is not related to the instant offense.

- The court makes the following recommendations to the Bureau of Prisons:  
That the defendant be able to serve his sentence at FCI Pollock, if eligible.
  
- The defendant is remanded to the custody of the United States Marshal.
- The defendant shall surrender to the United States Marshal for this district:
  - at  a.m.  p.m. on
  - as notified by the United States Marshal.
  
- The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:
  - before 2 p.m. on
  - as notified by the United States Marshal.
  - as notified by the Probation or Pretrial Services Office.

## RETURN

I have executed this judgment as follows:

Defendant delivered on \_\_\_\_\_ to

at \_\_\_\_\_, with a certified copy of this judgment.

UNITED STATES MARSHAL

By  
DEPUTY UNITED STATES MARSHAL

DEFENDANT: JESUS LOPEZ-MEJIA  
CASE NUMBER: 3:19-CR-00592-B(1)

## CRIMINAL MONETARY PENALTIES

The defendant must pay the total criminal monetary penalties under the Schedule of Payments page.

|               | Assessment | Restitution | Fine   | AVAA Assessment* | JVTA Assessment** |
|---------------|------------|-------------|--------|------------------|-------------------|
| <b>TOTALS</b> | \$100.00   | \$0.00      | \$0.00 | \$0.00           | \$0.00            |

The determination of restitution is deferred until *An Amended Judgment in a Criminal Case (AO245C) will be entered after such determination.*  
 The defendant must make restitution (including community restitution) to the following payees in the amount listed below.

If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment. However, pursuant to 18 U.S.C. § 3664(i), all nonfederal victims must be paid before the United States is paid.

Restitution amount ordered pursuant to plea agreement \$  
 The defendant must pay interest on restitution and a fine of more than \$2,500, unless the restitution or fine is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on the Schedule of Payments page may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. § 3612(g).  
 The court determined that the defendant does not have the ability to pay interest and it is ordered that:  
     the interest requirement is waived for the       fine       restitution  
     the interest requirement for the       fine       restitution is modified as follows:

\* Amy, Vicky, and Andy Child Pornography Victim Assistance Act of 2018, Pub. L. No. 115-299.

\*\* Justice for Victims of Trafficking Act of 2015, Pub. L. No. 114-22

\*\*\* Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

DEFENDANT: JESUS LOPEZ-MEJIA  
CASE NUMBER: 3:19-CR-00592-B(1)

## SCHEDULE OF PAYMENTS

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties is due as follows:

A  Lump sum payments of \$ \_\_\_\_\_ due immediately, balance due  
 not later than \_\_\_\_\_, or  
 in accordance  C,  D,  E, or  F below; or

B  Payment to begin immediately (may be combined with  C,  D, or  F below); or

C  Payment in equal \_\_\_\_\_ (e.g., weekly, monthly, quarterly) installments of \$ \_\_\_\_\_ over a period of \_\_\_\_\_ (e.g., months or years), to commence \_\_\_\_\_ (e.g., 30 or 60 days) after the date of this judgment; or

D  Payment in equal (e.g., weekly, monthly, quarterly) installments of \$ \_\_\_\_\_ over a period of \_\_\_\_\_ (e.g., months or years), to commence \_\_\_\_\_ (e.g., 30 or 60 days) after release from imprisonment to a term of supervision; or

E  Payment during the term of supervised release will commence within \_\_\_\_\_ (e.g., 30 or 60 days) after release from imprisonment. The court will set the payment plan based on an assessment of the defendant's ability to pay at that time; or

F  Special instructions regarding the payment of criminal monetary penalties:  
**It is ordered that the Defendant shall pay to the United States a special assessment of \$100.00 for Count 1, which shall be due immediately. Said special assessment shall be paid to the Clerk, U.S. District Court.**

Unless the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are made to the clerk of the court.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

Joint and Several  
See above for Defendant and Co-Defendant Names and Case Numbers (including defendant number), Total Amount, Joint and Several Amount, and corresponding payee, if appropriate.

The defendant shall pay the cost of prosecution.  
 The defendant shall pay the following court cost(s):  
 The defendant shall forfeit the defendant's interest in the following property to the United States:

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) AVAA assessment, (5) fine principal, (6) fine interest, (7) community restitution, (8) JVTA assessment, (9) penalties, and (10) costs, including cost of prosecution and court costs.