

No. _____

IN THE
SUPREME COURT OF THE UNITED STATES

RAHSAAN JOHNSON,
Petitioner,
v.

UNITED STATES OF AMERICA,
Respondent.

On Petition for Writ of Certiorari
to the United States Court of Appeals for the Fifth Circuit

APPENDIX

	<i>Pages</i>
A. Order Denying Sentence Reduction Pursuant to Section 404 of the First Step Act of 2018 (E.D. La. June 14, 2021)	1a
B. Judgment of the U.S. Court of Appeals for the Fifth Circuit (May 23, 2022)	2a–3a

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANAUNITED STATES OF AMERICA
VERSUS
RAHSAAN JOHNSON* CRIMINAL DOCKET
CASE NO. 03-135
* USM NO. 23433-034

Date of Previous Judgment: 10/2/2007

Defendant's Attorney: SAMANTHA KUHN

**ORDER FOR SENTENCE REDUCTION
PURSUANT TO SECTION 404 OF THE FIRST STEP ACT OF 2018**

Upon motion of the defendant the Director of the Bureau of Prisons the Court for a reduction in the term of imprisonment imposed based on the modification of statutory penalties by sections 2 or 3 of the Fair Sentencing Act of 2010 (Public Law 111-220; 124 Stat. 2372), as if sections 2 and 3 of the Fair Sentencing Act of 2010 were in effect at the time the defendant's offense was committed: Having considered such motion, and taking into account Section 404 of the First Step Act of 2018, to the extent it is applicable, and the sentencing factors from Title 18 USC 3553(a),

IT IS ORDERED that the motion is:

GRANTED and the defendant's previously imposed sentence of imprisonment of _____ is reduced to _____.

DEFERRED pending supplemental briefing and/or a hearing.

DENIED after complete review of the motion on the merits.

The defendant's term of supervised release:

REMAINS as previously ordered.

is REDUCED to _____.

COURT DETERMINATIONS OF SENTENCING PURSUANT TO FIRST STEP ACT OF 2018

Prior Statutory Minimum: 20 to Life (Count 1)

Amended Statutory Minimum:

Prior Guideline Range: Life

Amended Guideline Range:

Prior Sentence: 300 months

Amended Sentence:

Prior Supervised Release: 10 years

Amended Supervised Release:

Comments (if applicable):

The defendant's guidelines remain at life imprisonment because Count 3 is causing death through use of a firearm during a drug trafficking offense (is count 1). The sentence of 300 months is pursuant to the Government's motion for reduction that granted at sentencing.

Except as provided above, all provisions of the judgment dated 10/2/2007 shall remain in effect. The reduced sentence shall be effective **10 days** following the date of this order indicated below.

IT IS SO ORDERED.

June 14, 2021
ORDER DATE

UNITED STATES DISTRICT JUDGE

United States Court of Appeals
for the Fifth Circuit

United States Court of Appeals
Fifth Circuit

FILED

May 23, 2022

Lyle W. Cayce
Clerk

No. 21-30459
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

RAHSAAN JOHNSON,

Defendant—Appellant.

Appeal from the United States District Court
for the Eastern District of Louisiana
USDC No. 2:03-CR-135-3

Before SMITH, STEWART, and GRAVES, *Circuit Judges.*

PER CURIAM:*

Rahsaan Johnson, federal prisoner # 23433-034, is serving a 300-month sentence for conspiracy to distribute five kilograms or more of cocaine hydrochloride and 50 grams or more of cocaine base, conspiracy to commit money laundering, and use or carrying of a firearm in relation to a drug

* 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.

No. 21-30459

trafficking crime causing murder. He appeals the denial of his motion for a sentence reduction pursuant to section 404 of the First Step Act of 2018 (FSA), Pub. L. No. 115-391, § 404, 132 Stat. 5194, 5222. Johnson's eligibility for a sentence reduction is not in dispute. At issue is whether the district court considered the 18 U.S.C. § 3553(a) sentencing factors and provided a sufficient explanation for the denial of Johnson's motion.

We review the denial of a motion to reduce a sentence pursuant to the FSA for an abuse of discretion. *See United States v. Batiste*, 980 F.3d 466, 469 (5th Cir. 2020). The record reflects that the district court reviewed Johnson's motion, the Government's opposition, the FSA, and the § 3553(a) sentencing factors when concluding that a reduction to Johnson's 300-month sentence was not warranted. The district court's explanation was sufficient for meaningful appellate review. *See United States v. Whitehead*, 986 F.3d 547, 551 (5th Cir. 2021); *Batiste*, 980 F.3d at 479. The district court was not required to grant Johnson's motion due to his eligibility or evidence of post-sentencing rehabilitation. *See United States v. Jackson*, 945 F.3d 315, 321-22 (5th Cir. 2019). Because Johnson has failed to show that the district court committed an error of law or based its decision on a clearly erroneous view of the evidence, the judgment of the district court is AFFIRMED.