
ATTACHMENT

Order of the District Court

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS,
LUBBOCK DIVISION

UNITED STATES OF AMERICA)

v.)

CHRISTOPHER ALEXANDER)

CRIMINAL NO. 5:01-CR-060-C-01

ORDER

After due consideration, the Court ORDERS that Defendant's Renewed Motion for Reduction of Sentence Pursuant to Section 404 of the First Step Act, received October 3, 2022, be DENIED. Even if Defendant had met his burden of showing that he qualifies for a reduction, the Court finds that Defendant's current sentence is fair when considering the factors listed in 18 U.S.C. § 3553(a), specifically the factors of public safety and Defendant's post-sentencing conduct.

SO ORDERED.

Dated October 11, 2022.



SAM R. CUMMINGS
SENIOR UNITED STATES DISTRICT JUDGE

United States Court of Appeals for the Fifth Circuit

No. 22-11041
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

March 3, 2023

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

CHRISTOPHER ALEXANDER,

Defendant—Appellant.

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 5:01-CR-60-1

Before SMITH, SOUTHWICK, and DOUGLAS, *Circuit Judges.*

PER CURIAM:*

Christopher Alexander, federal prisoner #25906-177, was sentenced to life imprisonment for a drug-trafficking conspiracy involving cocaine base. On motion by Alexander, the district court reduced the sentence to 480 months of imprisonment per section 404 of the First Step Act of 2018 (“FSA”), Pub. L. No. 115-391, § 404, 132 Stat. 5194, 5222. After our decision affirming the judgment, Alexander filed another motion on the basis that

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

No. 22-11041

Concepcion v. United States, 142 S. Ct. 2389 (2022), required a further reduction in light of intervening changes in the law and that a plenary sentencing hearing should be held. See *United States v. Alexander*, No. 21-10929, 2022 WL 1549473 (5th Cir. May 17, 2022) (unpublished).

In *Concepcion*, the Court held that if a defendant has a covered offense and is eligible, a district court may consider intervening legal and factual developments, including a post-sentencing rehabilitation, when deciding whether to reduce under the FSA. *Concepcion*, 142 S. Ct. at 2402–04. Alexander’s theory that *Concepcion* should be read to mandate a plenary sentencing hearing is unavailing. See *id.* at 2404; *United States v. Jackson*, 945 F.3d 315, 321 (5th Cir. 2019).

The district court considered Alexander’s motion and determined that a further reduction was not warranted in light of the 18 U.S.C. § 3553(a) factors, specifically public safety issues and Alexander’s post-sentencing conduct. Alexander’s failure to challenge the district court’s reasons for determining that a further reduction was not warranted constitutes an abandonment of the issue on appeal. See *United States v. Scroggins*, 599 F.3d 433, 446–47 (5th Cir. 2010).

We do not consider Alexander’s newly raised claim that his 480-month sentence is substantively unreasonable. See *Fillingham v. United States*, 867 F.3d 531, 539 (5th Cir. 2017). In any event, his argument is foreclosed. See *United States v. Batiste*, 980 F.3d 466, 480 (5th Cir. 2020).

Alexander has failed to show that the district court abused its discretion. See *id.* at 469. The judgment is AFFIRMED.