

UNITED STATES SUPREME COURT

UNITED STATES OF AMERICA,

Appellee,

- vs -

CHRISTOPHER ALEXANDER,

Appellant

ON APPEAL FROM THE UNITED STATES COURT FOR THE NORTHERN
DISTRICT OF TEXAS (LUBBOCK)(Criminal No. 5:01-CR-060-C-01)

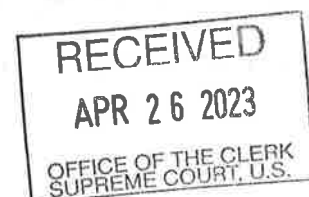
UNITED STATES COURT OF APPEALS FOR THE FIFTH CIRCUIT
APPEAL NO. 22-11041

APPELLANT'S MOTION FOR ENLARGEMENT OF TIME
FOR WRIT OF CERTIORARI

Comes Now Christopher Alexander the "Appellant" and Respectfully
moves the Court for an enlargement of time (30 days) to apply
for a Writ of Certiorari, for Good Cause.


GOOD CAUSE

Appellant is housed at FCI Edgefield, which is normally operating
on a modified schedule. Due to these modifications, Appellant's
access to the Law Library, Typewriters and/or Legal Assistance is
extremely limited. Therefore he needs the additional time (30 days)
to prepare and file his petition for a Writ of Certiorari.



Wherefore: Appellant Prays The Court Will Grant The Requested Relief.

Respectfully submitted on April 14, 2023



Christopher Alexander
Reg. No. 25906-177
P.O. Box 26030
Beaumont, TX 77720-6030

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.

United States Court of Appeals

FIFTH CIRCUIT
OFFICE OF THE CLERK

LYLE W. CAYCE
CLERK

TEL. 504-310-7700
600 S. MAESTRI PLACE,
Suite 115
NEW ORLEANS, LA 70130

March 03, 2023

MEMORANDUM TO COUNSEL OR PARTIES LISTED BELOW

Regarding: Fifth Circuit Statement on Petitions for Rehearing
or Rehearing En Banc

No. 22-11041 USA v. Alexander
USDC No. 5:01-CR-60-1

Enclosed is a copy of the court's decision. The court has entered judgment under **FED. R. APP. P. 36**. (However, the opinion may yet contain typographical or printing errors which are subject to correction.)

FED. R. APP. P. 39 through **41**, and **5TH CIR. R. 35**, **39**, and **41** govern costs, rehearings, and mandates. **5TH CIR. R. 35 and 40 require you to attach to your petition for panel rehearing or rehearing en banc an unmarked copy of the court's opinion or order.** Please read carefully the Internal Operating Procedures (IOP's) following **FED. R. APP. P. 40** and **5TH CIR. R. 35** for a discussion of when a rehearing may be appropriate, the legal standards applied and sanctions which may be imposed if you make a nonmeritorious petition for rehearing en banc.

Direct Criminal Appeals. **5TH CIR. R. 41** provides that a motion for a stay of mandate under **FED. R. APP. P. 41** will not be granted simply upon request. The petition must set forth good cause for a stay or clearly demonstrate that a substantial question will be presented to the Supreme Court. Otherwise, this court may deny the motion and issue the mandate immediately.

Pro Se Cases. If you were unsuccessful in the district court and/or on appeal, and are considering filing a petition for certiorari in the United States Supreme Court, you do not need to file a motion for stay of mandate under **FED. R. APP. P. 41**. The issuance of the mandate does not affect the time, or your right, to file with the Supreme Court.

Court Appointed Counsel. Court appointed counsel is responsible for filing petition(s) for rehearing(s) (panel and/or en banc) and writ(s) of certiorari to the U.S. Supreme Court, unless relieved of your obligation by court order. If it is your intention to file a motion to withdraw as counsel, you should notify your client promptly, **and advise them of the time limits for filing for rehearing and certiorari.** Additionally, you **MUST** confirm that this information was given to your client, within the body of your motion to withdraw as counsel.

Sincerely,

LYLE W. CAYCE, Clerk



By: _____
Casey A. Sullivan, Deputy Clerk

Enclosure(s)

Mr. Christopher Alexander
Mr. Brian W. McKay

United States Court of Appeals
for the Fifth Circuit

No. 22-11041
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED
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Lyle W. Cayce
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J U D G M E N T

This cause was considered on the record on appeal and the brief on file.

IT IS ORDERED and ADJUDGED that the judgment of the District Court is AFFIRMED.