

United States Court of Appeals
for the Fifth Circuit

No. 23-60265
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

July 24, 2025

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

KEVIN LAWRENCE,

Defendant—Appellant.

Appeal from the United States District Court
for the Southern District of Mississippi
USDC No. 3:17-CR-149-1

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

PER CURIAM:*

Kevin Lawrence, federal prisoner # 07291-043, filed a second motion for a new trial based on an affidavit from a trial witness purporting to recant that witness's inculpatory testimony. After an evidentiary hearing at which the witness recanted the affidavit, the district court denied the motion for a new trial. Lawrence now appeals that decision.

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

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The denial of a motion for a new trial is reviewed for abuse of discretion, with questions of law reviewed de novo and factual findings reviewed for clear error. *United States v. Pratt*, 807 F.3d 641, 645 (5th Cir. 2015). In light of the deference due to the district court's well-supported findings that the recanting affidavit itself was false, Lawrence has failed to demonstrate an abuse of discretion. *See id.*; *United States v. Piazza*, 647 F.3d 559, 565 (5th Cir. 2011).

Accordingly, the judgment of the district court is AFFIRMED. Lawrence's pro se motion for judicial notice is DENIED, and his motion to file a corrected pro se supplemental reply brief is GRANTED.