

United States Court of Appeals for the Fifth Circuit

No. 23-50222
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

May 6, 2024

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

TRAVIS ADAM BROWN,

Defendant—Appellant.

Appeal from the United States District Court
for the Western District of Texas
USDC No. 7:22-CR-152-1

Before JONES, SOUTHWICK, and HO, *Circuit Judges.*

PER CURIAM:*

Travis Adam Brown pleaded guilty to being a felon in possession of ammunition, a violation of 18 U.S.C. § 922(g)(1). On appeal, he challenges the procedural and substantive reasonableness of his above-guidelines sentence to a 180 month term of imprisonment.

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

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We review the district court's application of the Sentencing Guidelines de novo and its factual findings for clear error. *See United States v. Bass*, 996 F.3d 729, 742 (5th Cir. 2021). "A factual finding is not clearly erroneous if it is plausible, considering the record as a whole." *Id.* (internal quotation marks and citation omitted).

First, the district court did not clearly err in denying an offense-level reduction pursuant to U.S.S.G. § 2K2.1(b)(2) based on Brown's claim that he possessed ammunition because he was collecting shell casings for recycling. *See United States v. Shell*, 972 F.2d 548, 550 (5th Cir. 1992). Second, in light of the evidence and testimony regarding the domestic violence call that preceded Brown's arrest, we are not persuaded that the district court clearly erred in applying a § 2K2.1(b)(6)(B) enhancement based on the finding that he possessed a firearm in connection with committing felony aggravated assault. *See Bass*, 996 F.3d at 742. Third, the district court's denial of a reduction for acceptance of responsibility was not without foundation in light of the record evidence, including the recording of the prison incident. *See United States v. Juarez-Duarte*, 513 F.3d 204, 211 (5th Cir. 2008).

We review the substantive reasonableness of a sentence under a highly deferential abuse of discretion standard. *United States v. Fraga*, 704 F.3d 432, 439 (5th Cir. 2013). In light of that deferential standard of review, we are not persuaded that the district court made false factual findings in support of the sentence or otherwise erred in its assessment of the relevant sentencing factors. *See id.* at 439-40.

AFFIRMED.