

[DO NOT PUBLISH]

In the  
United States Court of Appeals  
For the Eleventh Circuit

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No. 24-10056

Non-Argument Calendar

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UNITED STATES OF AMERICA,

Plaintiff-Appellee,

*versus*

MATTHEW JAMES CHOY,

Defendant-Appellant.

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Appeal from the United States District Court  
for the Southern District of Florida  
D.C. Docket No. 1:22-cr-20307-KMW-1

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Before JORDAN, GRANT, and LUCK, Circuit Judges.

PER CURIAM:

Matthew James Choy appeals his conviction and 40-month sentence for criminal contempt. His sole arguments on appeal are that Federal Bureau of Prisons officials failed to designate a medical prison facility as his place of confinement and instead improperly subjected him to extended periods of solitary confinement. The government moves for summary affirmance.

Summary disposition is appropriate if “the position of one of the parties is clearly right as a matter of law so that there can be no substantial question as to the outcome of the case, or where, as is more frequently the case, the appeal is frivolous.” *Groendyke Transp., Inc. v. Davis*, 406 F.2d 1158, 1162 (5th Cir. 1969).<sup>1</sup> On direct appeal in a criminal case, we review the district court’s judgment of conviction and sentence. *See* 28 U.S.C. § 1291; *Berman v. United States*, 302 U.S. 211, 212–13 (1937). The authority to designate the place of a federal prisoner’s confinement is vested by statute in the Bureau of Prisons—not the district court. 18 U.S.C. § 3621(b).

Because Choy does not make any argument challenging his conviction or sentence, the government is “clearly right as a matter of law” that the district court’s judgment is due to be affirmed. *Groendyke Transp., Inc.*, 406 F.2d at 1162. We therefore GRANT the

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<sup>1</sup> *Groendyke Transportation* is binding precedent in the Eleventh Circuit under *Bonner v. City of Prichard*, 661 F.2d 1206, 1207 (11th Cir. 1981) (en banc).

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government's motion for summary affirmance. We DENY the alternative motion to dismiss and DENY as moot the government's motion to stay the briefing schedule.

**AFFIRMED.**