

United States Court of Appeals
for the Fifth Circuit

No. 21-50803
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

July 8, 2022

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

HUGO VILLARREAL-SOLIS,

Defendant—Appellant.

Appeal from the United States District Court
for the Western District of Texas
USDC No. 5:01-CR-314-1

Before DAVIS, JONES, and ELROD, *Circuit Judges.*

PER CURIAM:*

Hugo Villarreal-Solis, federal prisoner # 12952-180, appeals the district court's denial of a motion for compassionate release pursuant to 18 U.S.C. § 3582(c)(1)(A)(i) and of a motion asking the court to reconsider the denial of an earlier motion for compassionate release. He argues that he

* Pursuant to 5TH CIRCUIT RULE 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIRCUIT RULE 47.5.4.

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has shown several extraordinary and compelling reasons for relief and that the factors listed in 18 U.S.C. § 3553(a) favor a reduction in sentence.

The district court's contrary assessment of the § 3553(a) factors is a sufficient basis for its denial of the § 3582(c)(1)(A)(i) motion, and this court owes deference to that assessment. *See United States v. Chambliss*, 948 F.3d 691, 693 (5th Cir. 2020). Villarreal-Solis shows only that he disagrees with how the court weighed the § 3553(a) factors, which is not a sufficient basis for reversal. *See id.* at 694. He has not briefed, and has therefore abandoned, any separate challenge to the denial of the motion for reconsideration. *See Yohey v. Collins*, 985 F.2d 222, 224-25 (5th Cir. 1993). We accordingly AFFIRM the district court's ruling.

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

UNITED STATES OF AMERICA,

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Plaintiff,

V.

SA-01-CR-0314-FB(1)

HUGO VILLARREAL-SOLIS,
#12952-180,

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Defendant.

ORDER DENYING MOTION TO REDUCE SENTENCE

Upon motion of the defendant, Hugo Villarreal-Solis, requesting a reduction in sentence pursuant to 18 U.S.C. § 3582(c)(1)(A) (ECF Nos. 450 and 451), and after considering the applicable factors set forth in 18 U.S.C. § 3553(a) as applicable here and the applicable policy statements issued by the Sentencing Commission to the extent they are consistent with a sentencing reduction,

IT IS ORDERED that the Motion for Reduction of Sentence is:

GRANTED.

The defendant's previously imposed sentence of imprisonment of _____ months is reduced to _____ months. If this sentence is less than the amount of time the defendant has already served, the sentence is reduced to a time-served sentence; or

Time served.

Except as otherwise provided, all provisions of the judgment dated _____ shall remain in effect.

In order to allow the Bureau of Prisons and Probation time to process the defendant for release, the Bureau of Prisons ("BOP") may delay the defendant's release up to _____ days after the Clerk of Court enters this Order on the docket.

DEFERRED pending supplemental briefing. Defendant filed his motion on _____. Therefore, the Court DIRECTS the United States Attorney to file a response on or before _____, along with all BOP records [medical, institutional, administrative] supporting the approval or denial of this motion.

DENIED after complete review of the motion on the merits. The Court finds Defendant has not met his burden of showing extraordinary and compelling reasons exist warranting a reduction in sentence. Further, Defendant's recidivism risk category is too high and he still poses a significant danger to the safety of the community. Additionally, the § 3553(a) factors strongly disfavor a sentence reduction in this case.

DISMISSED WITHOUT PREJUDICE for failure to exhaust remedies (failure to fully exhaust all administrative rights to appeal a failure of the BOP to bring a motion on the defendant's behalf; the lapse of 30 days from the receipt of such a request by the Warden, whichever is earlier) to the extent Defendant seeks relief pursuant to the First Step Act. *See United States v. Franco*, No. 20-60473 (5th Cir. Sept. 3, 2020) (requiring a defendant to exhaust administrative remedies before seeking a motion for compassionate release).

SIGNED this 6th day of August, 2021.


FRED BIERLY
UNITED STATES DISTRICT JUDGE