United States Court of Appeals for the Fifth Circuit

No. 21-30202
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

DONALD SYLVESTER,

Defendant—Appellant.

Appeal from the United States District Court
for the Eastern District of Louisiana
USDC No. 2:04-CR-94-1

Before WIENER, DENNIS, and HAYNES, *Circuit Judges*.

PER CURIAM:*

Defendant-Appellant Donald Sylvester, federal prisoner # 24064-265, appeals the denial of his motion for compassionate release, filed pursuant to 18 U.S.C. § 3582(c)(1)(A)(i). Sylvester contends that the district court erred in weighing the 18 U.S.C. § 3553(a) factors by failing to consider some

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* Pursuant to 5TH CIRCUIT RULE 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIRCUIT RULE 47.5.4.

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mitigating circumstances and giving insufficient weight to others. Sylvester also claims that the district court abused its discretion by treating his motion as one brought by the Bureau of Prisons, which would implicate U.S.S.G. § 1B1.13, p.s., and its commentary.[1]

We review the district court's denial of a compassionate release motion for an abuse of discretion. *See United States v. Chambliss*, 948 F.3d 691, 693 (5th Cir. 2020). Here, the court adequately considered Sylvester's claims, and the record sufficiently supports the court's conclusion that the § 3553(a) factors weighed against Sylvester's release. *See Chavez-Meza v. United States*, 138 S. Ct. 1959, 1965 (2018). His disagreement with how the district court balanced the § 3553(a) factors does not merit reversal. *See Chambliss*, 948 F.3d at 694.

The district court's judgment is AFFIRMED.

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[1] The record does not support this claim, as the district court assumed that Sylvester established the existence of extraordinary and compelling circumstances before basing its decision on the § 3553(a) factors.