

United States Court of Appeals  
for the Fifth Circuit

United States Court of Appeals  
Fifth Circuit

**FILED**

October 6, 2022

Lyle W. Cayce  
Clerk

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No. 21-50297  
Summary Calendar

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UNITED STATES OF AMERICA,

*Plaintiff—Appellee,*

*versus*

JUSTIN CHRISTOPHER HOLMES,

*Defendant—Appellant.*

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Appeal from the United States District Court  
for the Western District of Texas  
USDC No. 3:12-CR-2032-1

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Before STEWART, DUNCAN, and WILSON, *Circuit Judges.*

PER CURIAM:\*

Justin Christopher Holmes, federal prisoner # 01701-380, appeals the district court's denial of his motion for compassionate release under 18 U.S.C. § 3582(c)(1)(A). He argues that the district court erred in treating the commentary to U.S.S.G. § 1B1.13 as binding, in finding that he did not

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\* Pursuant to 5TH CIRCUIT RULE 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIRCUIT RULE 47.5.4.

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show extraordinary and compelling reasons justifying a reduction in sentence, and in concluding that Holmes was a danger to the safety of others or to the community, as defined by § 1B1.13.

Holmes has not shown that the district court abused its discretion in denying relief. *See United States v. Chambliss*, 948 F.3d 691, 693 (5th Cir. 2020). The district court adequately considered Holmes's arguments, and the record supports its conclusion that the 18 U.S.C. § 3553(a) factors weighed against release. *See Chavez-Meza v. United States*, 138 S. Ct. 1959, 1965 (2018); *Chambliss*, 948 F.3d at 693-94. Because the district court's independent § 3553(a) analysis supports the denial, it is unnecessary to consider Holmes's arguments challenging the district court's treatment and application of § 1B1.13 and its conclusion that Holmes failed to show extraordinary and compelling reasons warranting relief. *See United States v. Jackson*, 27 F.4th 1088, 1093 n.8 (5th Cir. 2022); *Ward v. United States*, 11 F.4th 354, 360-62 (5th Cir. 2021). To the extent Holmes challenges the district court's balancing of the § 3553(a) factors, his argument is unpersuasive. *See Chambliss*, 948 F.3d at 694. Accordingly, the judgment of the district court is AFFIRMED. The motion for appointment of counsel is DENIED.