United States Court of Appeals
for the Fifth Circuit

No. 21-50362
Summary Calendar

United States of America,

Plaintiff—Appellee,

versus

Martin Barrera Balboa,

Defendant—Appellant.

Appeal from the United States District Court
for the Western District of Texas
USDC No. 5:13-CR-892-1

Before Southwick, Oldham, and Wilson, *Circuit Judges*.

Per Curiam:*

Martin Barrera Balboa, federal prisoner # 26813-380, appeals the denial of his 18 U.S.C. § 3582(c)(1)(A)(i) motion for compassionate release. Balboa contends that his risk of contracting COVID-19 in prison constitutes extraordinary and compelling circumstance justifying early release. Because

---

* Pursuant to 5th Circuit Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5th Circuit Rule 47.5.4.

No. 21-50362

this COVID-19 claim was not raised in the district court, we will not consider it. *See Leverette v. Louisville Ladder Co.*, 183 F.3d 339, 342 (5th Cir. 1999).

We review for abuse of discretion the denial of a prisoner's motion for compassionate release. *See United States v. Chambliss*, 948 F.3d 691, 693 (5th Cir. 2020). Balboa fails to brief any challenge to the district court's determination that his need to care for sick family members did not constitute compelling and extraordinary reasons for a sentence reduction. Balboa also fails to brief any challenge to the district court's determination that the 18 U.S.C. § 3553(a) factors did not support early release and that Balboa failed to demonstrate that he did not pose a danger to the community. While the filings of pro se litigants like Balboa are afforded liberal construction, even pro se litigants must brief arguments to preserve them. *See Yohey v. Collins*, 985 F.2d 222, 224-25 (5th Cir. 1993). Balboa has failed to show an abuse of discretion by the district court, and the order denying his motion for release is AFFIRMED.