

United States Court of Appeals
for the Fifth Circuit

No. 23-10895
Summary Calendar

United States Court of Appeals
Fifth Circuit
FILED
December 11, 2023

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

GARMON COATS,

Defendant—Appellant.

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 4:93-CR-128-1

Before HAYNES, WILLETT, and DUNCAN, *Circuit Judges.*

PER CURIAM:*

Garmon Coats, federal prisoner # 24754-077, moves for leave to proceed in forma pauperis (IFP) in his appeal from the denial of his 18 U.S.C. § 3582(c)(1)(A)(i) motion for compassionate release. He is currently serving an 802-month sentence for various robbery and firearm convictions. The district court determined that Coats failed to show extraordinary and

* This opinion is not designated for publication. *See* 5TH CIR. R. 47.5.

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compelling reasons warranting a reduction in sentence and further that the 18 U.S.C. § 3553(a) factors did not weigh in favor of granting relief. *See* § 3582(c)(1)(A)(i).

In his brief on appeal, Coats renews his arguments that compassionate release is warranted based on the extraordinary and compelling circumstances that (i) various changes to the sentencing laws would result in a lower sentence if he were sentenced today; (ii) the Bureau of Prisons never awarded him credit for the time he served in state custody; and (iii) he suffers from several health maladies, he is not a danger or threat to the community, and he has been rehabilitated and reformed.

To the extent Coats's arguments challenge the district court's assessment of the § 3553(a) factors, they amount to no more than a disagreement with the district court's balancing of these factors, which is insufficient to show an abuse of discretion. *See United States v. Chambliss*, 948 F.3d 691, 693-94 (5th Cir. 2020). Because Coats fails to identify a nonfrivolous argument that the district court abused its discretion by denying relief based on the balancing of the § 3553(a) factors, we need not consider his arguments regarding extraordinary and compelling circumstances. *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); *Chambliss*, 948 F.3d at 693.

Accordingly, his IFP motion is DENIED, and the appeal is DISMISSED as frivolous. *See Baugh v. Taylor*, 117 F.3d 197, 202 & n.24 (5th Cir. 1997); *Howard v. King*, 707 F.2d 215, 220 (5th Cir. 1983); 5TH CIR. R. 42.2.