

United States Court of Appeals  
for the Fifth Circuit

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No. 23-40716

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United States Court of Appeals  
Fifth Circuit

**FILED**

October 8, 2024

Lyle W. Cayce  
Clerk

UNITED STATES OF AMERICA,

*Plaintiff—Appellee,*

*versus*

JERMON RODRIGUEZ CLARK,

*Defendant—Appellant.*

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Appeal from the United States District Court  
for the Eastern District of Texas  
USDC No. 2:94-CR-1-3

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Before DENNIS, SOUTHWICK, and ENGELHARDT, *Circuit Judges.*

PER CURIAM:\*

Jermon Rodriguez Clark, federal prisoner # 04709-078, appeals the denial of his motion for compassionate release, filed pursuant to 18 U.S.C. § 3582(c)(1)(A)(i), and the denial of his motion for reconsideration.

We review the denial of a motion for compassionate release and the denial of a motion for reconsideration for abuse of discretion. *United States v. Chambliss*, 948 F.3d 691, 693 (5th Cir. 2020); *United States v. Haj*, 850 F.

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

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App'x 904, 905 (5th Cir. 2021) (per curiam) (unpublished). The district court's orders denying Clark's compassionate release motion and motion for reconsideration demonstrate that the court adequately considered his arguments about the 18 U.S.C. § 3553(a) factors and concluded that they did not weigh in favor of relief. *See Chambliss*, 948 F.3d at 693 (explaining that a district court must provide "specific factual reasons" for its decision on a motion for compassionate release). Clark's arguments regarding the § 3553(a) factors amount to a disagreement with the court's balancing of those factors; his disagreement does not warrant reversal. *See id.* at 694 (holding that disagreement with the district court's balancing of the § 3553(a) factors "is not a sufficient ground for reversal" (citing *United States v. Malone*, 828 F.3d 331, 342 (5th Cir. 2016))).

We need not consider Clark's contention that the district court erred in finding that he failed to show extraordinary and compelling reasons warranting relief because the district court did not abuse its discretion in its alternative ruling that relief was unwarranted under the applicable § 3553(a) factors.<sup>1</sup> *See, e.g., United States v. Jackson*, 27 F.4th 1088, 1093 n.8 (5th Cir. 2022) (recognizing that "we have regularly affirmed the denial of a compassionate-release motion . . . where the district court's weighing of the Section 3553(a) factors can independently support its judgment").

The district court's orders are AFFIRMED.

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<sup>1</sup> The district court is free to reweigh those factors in connection with Clark's pending 18 U.S.C. § 3582(c)(2) motion. *See Motion to Reduce Sentence, United States v. Clark*, No. 2:94-CR-1(03) (E.D. Tex. July 8, 2024), ECF No. 222.