

United States Court of Appeals for the Fifth Circuit

No. 23-10123
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

August 4, 2023

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

JESUS SIDON,

Defendant—Appellant.

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 4:16-CR-122-6

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

PER CURIAM:*

Jesus Sidon, federal prisoner # 54164-177, 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 abused its discretion in denying his motion because his blindness constitutes an extraordinary and compelling circumstance warranting release. Sidon further argues that he

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

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was denied access to courts due to the district court's failure to appoint counsel.

The district court determined that the nature and circumstances of the offense, the history and characteristics of Sidon, and the seriousness of the offense did not warrant a further reduction to Sidon's sentence than the one granted at his original sentencing hearing due to his eye condition. *See* 18 U.S.C. § 3553(a)(1), (a)(2). Sidon's failure to challenge these findings defeats his claim. *See United States v. Chambliss*, 948 F.3d 691, 693 (5th Cir. 2020); *Yohey v. Collins*, 985 F.2d 222, 224-25 (5th Cir. 1993); *Brinkmann v. Dallas Cnty. Deputy Sheriff Abner*, 813 F.2d 744, 748 (5th Cir. 1987). As such, we need not consider his contention that extraordinary and compelling reasons justify relief. *See Ward v. United States*, 11 F.4th 354, 360-62 (5th Cir. 2021).

Sidon did not move for the appointment of counsel in the district court. Thus, he fails to demonstrate that the district court denied him access to courts or abused its discretion in denying his compassionate release motion. *See Chambliss*, 948 F.3d at 693. Accordingly, the judgment of the district court is AFFIRMED.