

United States Court of Appeals for the Fifth Circuit

No. 24-10728
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

January 7, 2025

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

ANTHONY STEVEN AGUILAR,

Defendant—Appellant.

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 4:05-CR-195-5

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

PER CURIAM:*

Anthony Steven Aguilar, federal prisoner # 33985-177, appeals the district court's denial of his motion for compassionate release under 18 U.S.C. § 3582(c)(1)(A)(i). Aguilar contends that the district court abused its discretion in finding that the following did not constitute extraordinary and compelling reasons warranting relief: (1) his current prison and health

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

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conditions expose Aguilar to a greater risk of contracting COVID-19; (2) he has served 18 years of an “unusually long sentence” as set forth in U.S.S.G. § 1B1.13(b)(6), p.s.; (3) methamphetamine drug purity does not correlate to culpability; (4) the disparate harsh treatment of defendants whose crimes involve “actual/pure methamphetamine or ice” versus those whose crimes involve only a “methamphetamine mixture;” (5) his eligibility for relief under Amendment 821 to the Sentencing Guidelines was precluded by the “baseless” firearm and role enhancements to his sentence; and (6) his post-sentencing rehabilitation. Aguilar further contends that a balancing of the 18 U.S.C. § 3553(a) factors warranted compassionate release.

In addition to denying Aguilar’s motion based on his failure to demonstrate extraordinary and compelling reasons, the district court also denied relief on the basis that a weighing of the § 3553(a) factors did not warrant relief. Aguilar’s contention that the danger he poses to society is diminished given his lengthy sentence, post-sentencing rehabilitation, remorse, and declining health conditions amounts to a mere disagreement with the district court’s balancing of the § 3553(a) factors, which is not sufficient to warrant reversal. *See United States v. Chambliss*, 948 F.3d 691, 694 (5th Cir. 2020).

Accordingly, the order of the district court is AFFIRMED. *See Chambliss*, 948 F.3d at 693-94; *United States v. Jackson*, 27 F.4th 1088, 1093 n.8 (5th Cir. 2022).