

United States Court of Appeals
for the Fifth Circuit

United States Court of Appeals
Fifth Circuit

FILED

February 24, 2025

Lyle W. Cayce
Clerk

No. 24-50556
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

RAYMOND S. TELLEZ,

Defendant—Appellant.

Appeal from the United States District Court
for the Western District of Texas
USDC No. 5:13-CR-468-1

Before GRAVES, WILLETT, and WILSON, *Circuit Judges*.

PER CURIAM:*

Raymond S. Tellez, federal prisoner # 39061-180, appeals the denial of his 18 U.S.C. § 3582(c)(1)(A)(i) motion for compassionate release. On appeal, Tellez contends that extraordinary and compelling reasons exist for his compassionate release and that the district court erred in weighing the 18 U.S.C. § 3553(a) factors because it focused exclusively on his conduct and

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

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characteristics existing at the time of his sentencing and failed to consider “the man he is today” and his “intervening rehabilitation or gang disassociation.”

Tellez has failed to demonstrate that the district court’s denial of his motion was an abuse of discretion. *See United States v. Chambliss*, 948 F.3d 691, 693 (5th Cir. 2020). The district court stated that it had reviewed Tellez’s motion, and we can assume that it considered his rehabilitation arguments, even if it did not explicitly address any particular argument. *See United States v. Batiste*, 980 F.3d 466, 479 (5th Cir. 2020). At most, Tellez’s arguments challenging the district court’s assessment of the § 3553(a) factors 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 Chambliss*, 948 F.3d at 694. Because the district court did not abuse its discretion by denying relief based on the balancing of the § 3553(a) factors, we need not consider Tellez’s 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).

The order of the district court is AFFIRMED. Tellez’s motion for summary vacatur is DENIED.