

United States Court of Appeals
for the Fifth Circuit

United States Court of Appeals
Fifth Circuit

FILED

April 4, 2022

Lyle W. Cayce
Clerk

No. 20-11170
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

WARREN ELTON WITTCOP,

Defendant—Appellant.

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 6:10-CR-38-1

Before JOLLY, WILLETT, and ENGELHARDT, *Circuit Judges.*

PER CURIAM:*

Warren Elton Wittcop, federal prisoner #41590-177, was convicted in 2011 of two counts of production of child pornography and aiding and abetting. The district court sentenced him above the Guidelines range of 180-210 months to 300 months of imprisonment based upon the applicable 18

* Pursuant to 5TH CIRCUIT RULE 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIRCUIT RULE 47.5.4.

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U.S.C. § 3553(a) factors and the egregiousness of the conscience-shocking acts that Wittcop had committed. Wittcop now appeals the denial of his 18 U.S.C. § 3582(c)(1)(A)(i) motion for compassionate release.

We review that denial for an abuse of discretion. *See United States v. Chambliss*, 948 F.3d 691, 693 (5th Cir. 2020). We need not consider Wittcop's contention that the district court erred by holding that he failed to show extraordinary and compelling reasons warranting relief since the district court did not abuse its discretion in its alternative holding that relief was not warranted under the § 3553(a) factors. *See United States v. Ward*, 11 F.4th 354, 360-62 (5th Cir. 2021).

We may consider the entire record, going back to the original sentencing, in deciding whether the district court adequately justified its sentencing decision. *See Chavez-Meza v. United States*, 138 S. Ct. 1959, 1965 (2018). Additionally, contrary to Wittcop's assertion, the Government was not required to file an opposition before the district court could deny his motion. *See Ward*, 11 F.4th at 361.

In the instant case, the court adequately considered Wittcop's arguments and concluded that consideration of the § 3553(a) factors did not weigh in favor of relief; the record sufficiently supports the denial. *See Chavez-Meza*, 138 S. Ct. at 1965. Wittcop's insistence that the § 3553(a) factors warranted relief is unpersuasive. *See Chambliss*, 948 F.3d at 694.

The motions for leave to file supplemental briefs are GRANTED, and the judgment of the district court is AFFIRMED.