

United States Court of Appeals  
for the Fifth Circuit

United States Court of Appeals  
Fifth Circuit

**FILED**

July 16, 2021

Lyle W. Cayce  
Clerk

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No. 20-61240  
Summary Calendar

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UNITED STATES OF AMERICA,

*Plaintiff—Appellee,*

*versus*

MACK ARTHUR BOWENS,

*Defendant—Appellant.*

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Appeal from the United States District Court  
for the Northern District of Mississippi  
USDC No. 2:00-CR-94-2

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Before SMITH, STEWART, and GRAVES, *Circuit Judges.*

PER CURIAM:\*

Mack Arthur Bowens, now federal prisoner # 10964-042, was convicted of four crack-distribution charges and one charge concerning obstruction of justice. He was sentenced to serve 405 months in prison and a five-year term of supervised release. Now, he appeals the district court's

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\* Pursuant to 5TH CIRCUIT RULE 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIRCUIT RULE 47.5.4.

No. 20-61240

denial of his requests for relief under the First Step Act of 2018 (FSA) and for compassionate release under 18 U.S.C. § 3582(c)(1)(A).

We review these denials for an abuse of discretion. *United States v. Chambliss*, 948 F.3d 691, 693 (5th Cir. 2020); *United States v. Jackson*, 945 F.3d 315, 319 (5th Cir. 2019), *cert. denied*, 140 S. Ct. 2699 (2020). An abuse of discretion occurs when the district court makes a legal error or relies on clearly erroneous facts. *Chambliss*, 948 F.3d at 693. A factual finding is not clearly erroneous if it is plausible when the record is considered as a whole. *United States v. Raney*, 633 F.3d 385, 389 (5th Cir. 2011).

With respect to the denial of FSA relief, our review of the record refutes Bowens's assertions that the district court made erroneous factual findings concerning his sentence, the amount of drugs involved with his offenses, his acts of obstructing justice, and his violent history. The record further shows that the district court properly considered the 18 U.S.C. § 3553(a) factors when analyzing this request. *See Jackson*, 945 F.3d at 322 & n.8. Our review shows no abuse of discretion in connection with the district court's denial of Bowens's request for FSA relief. *See Jackson*, 945 F.3d at 319.

There was likewise no abuse of discretion in connection with the district court's denial of Bowens's request for compassionate release. *See Chambliss*, 948 F.3d at 693. While the district court referenced U.S.S.G. § 1B1.13 in its order, there is nothing in the record to indicate that it erroneously felt bound by this Guideline and its commentary. *See United States v. Shkambi*, 993 F.3d 388, 393 (5th Cir. 2021). Instead, the record indicates that the district court simply found unpersuasive Bowens's argument that compassionate release was warranted due to his medical conditions and the risk to his health posed by COVID-19.

Accordingly, the judgment is AFFIRMED.