

United States Court of Appeals
for the Fifth Circuit

United States Court of Appeals
Fifth Circuit

FILED

August 20, 2021

Lyle W. Cayce
Clerk

No. 21-30013
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

MICHAEL COLLIER,

Defendant—Appellant.

Appeal from the United States District Court
for the Eastern District of Louisiana
USDC No. 2:18-CR-97-1

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

PER CURIAM:*

Michael Collier, federal prisoner # 57539-019, has appealed the district court's order denying his motion under 18 U.S.C. § 3582(c)(1)(A) for compassionate release. Our review is for an abuse of discretion. *See United States v. Chambliss*, 948 F.3d 691, 693 (5th Cir. 2020). Collier must show that

* Pursuant to 5TH CIRCUIT RULE 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIRCUIT RULE 47.5.4.

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the district court “base[d] its decision on an error of law or a clearly erroneous assessment of the evidence.” *Id.* (internal quotation marks and citation omitted).

Although the district court erred in believing that U.S.S.G. § 1B1.13, p.s. was binding, *see United States v. Shkambi*, 993 F.3d 388, 392-94 (5th Cir. 2021), Collier has not asserted that question as an issue on appeal. When an appellant fails to identify any error in the district court’s analysis, it is the same as if the appellant had not appealed that issue. *Brinkmann v. Dallas Cnty. Deputy Sheriff Abner*, 813 F.2d 744, 748 (5th Cir. 1987). Although pro se briefs are afforded liberal construction, *Haines v. Kerner*, 404 U.S. 519, 520 (1972), arguments must be briefed in order to be preserved, *Yohey v. Collins*, 985 F.2d 222, 224-25 (5th Cir. 1983).

Moreover, there is no reason to believe that Collier would have been granted relief but for the district court’s mistaken belief that it was bound by the policy statement. *See United States v. Thompson*, 984 F.3d 431, 434-35 (5th Cir. 2021), *cert. denied*, 2021 WL 2044647 (U.S. May 24, 2021) (No. 20-7832). The district court’s order is AFFIRMED. Collier’s motion for release pending appeal is DENIED.