

United States Court of Appeals
for the Fifth Circuit

United States Court of Appeals
Fifth Circuit

FILED

April 12, 2022

Lyle W. Cayce
Clerk

No. 21-40753
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

CHADWICK MARVIN THOMPSON,

Defendant—Appellant.

Appeal from the United States District Court
for the Eastern District of Texas
USDC No. 6:13-CR-23-1

Before DAVIS, JONES, and ELROD, *Circuit Judges.*

PER CURIAM:*

Chadwick Marvin Thompson, federal prisoner # 07787-078, appeals the district court's denial of his 18 U.S.C. § 3582(c)(1)(A)(i) motion for compassionate release. He argues that his medical conditions in light of the COVID-19 pandemic amount to extraordinary and compelling reasons

* Pursuant to 5TH CIRCUIT RULE 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIRCUIT RULE 47.5.4.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. 21-40753

warranting release and that release is additionally warranted because intervening caselaw demonstrates that his original sentence would now be improper.

Thompson has abandoned any challenge to the district court's independent and alternative determination that the 18 U.S.C. § 3553(a) factors did not warrant release in his case. *See Yohey v. Collins*, 985 F.2d 222, 224-25 (5th Cir. 1993). Therefore, he has not shown that the district court abused its discretion in denying his motion for compassionate release. *See United States v. Chambliss*, 948 F.3d 691, 693 (5th Cir. 2020); *see also Ward v. United States*, 11 F. 4th 354, 360-62 (5th Cir. 2021). Inasmuch as his argument regarding the propriety of his sentence can be construed as a challenge to his initial sentencing proceeding, the argument is not appropriately raised on appeal from the denial of his § 3582(c)(1)(A) motion. *See United States v. Hernandez*, 645 F.3d 709, 712 (5th Cir. 2011).

AFFIRMED.