

United States Court of Appeals
for the Fifth Circuit

No. 22-30555
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

January 4, 2023

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

JOHN E. BAGENT,

Defendant—Appellant.

Appeal from the United States District Court
for the Eastern District of Louisiana
USDC No. 2:11-CR-19-1

Before HIGGINBOTHAM, DUNCAN, and WILSON, *Circuit Judges.*

PER CURIAM:*

John E. Bagent, federal prisoner # 31872-034, moves for leave to proceed in forma pauperis (IFP) in his appeal from the denial of his 18 U.S.C. § 3582(c)(1)(A)(i) motion for compassionate release. He is currently serving a 225-month sentence for conspiracy to distribute and to possess with intent to distribute 500 grams or more of cocaine hydrochloride and 280 grams or

* This opinion is not designated for publication. See 5TH CIRCUIT RULE 47.5.

No. 22-30555

more of cocaine base. The district court determined that Bagent failed to show extraordinary and compelling circumstances warranting relief and that the 18 U.S.C. § 3553(a) factors did not weigh in favor of relief. *See* § 3582(c)(1)(A)(i).

Bagent first contends that his preexisting conditions and vulnerability to COVID-19 are extraordinary and compelling circumstances that warrant compassionate release. Second, he argues that his prior Louisiana conviction for aggravated assault with a firearm no longer qualifies as a predicate offense and that he would no longer be subject to the career offender enhancement under U.S.S.G. § 4B1.1. Lastly, Bagent argues that the district court improperly balanced the § 3553(a) sentencing factors. Bagent fails to identify a nonfrivolous argument for appeal. *See United States v. Chambliss*, 948 F.3d 691, 693-94 (5th Cir. 2020).

Accordingly, his IFP motion is DENIED, and the appeal is DISMISSED as frivolous. *See Baugh v. Taylor*, 117 F.3d 197, 202 & n.24 (5th Cir. 1997); *Howard v. King*, 707 F.2d 215, 220 (5th Cir. 1983); 5TH CIR. R. 42.2.