

# United States Court of Appeals for the Fifth Circuit

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No. 22-50590  
Summary Calendar

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United States Court of Appeals  
Fifth Circuit

**FILED**

February 23, 2023

Lyle W. Cayce  
Clerk

UNITED STATES OF AMERICA,

*Plaintiff—Appellee,*

*versus*

PAUL ROSS EVANS,

*Defendant—Appellant.*

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Appeal from the United States District Court  
for the Western District of Texas  
USDC No. 1:07-CR-98-1

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Before JONES, HAYNES, AND OLDHAM, *Circuit Judges.*

PER CURIAM:\*

Paul Ross Evans, federal prisoner # 83230-180, appeals the district court's dismissal of his motion for a reduction in his sentence as an unauthorized motion for which it lacked jurisdiction. He also moves for the appointment of counsel.

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\* This opinion is not designated for publication. *See* 5TH CIR. R. 47.5.

No. 22-50590

We review a district court's decision to deny a motion for compassionate release for an abuse of discretion. *United States v. Cooper*, 996 F.3d 283, 286 (5th Cir. 2021). A district court abuses its discretion when it "bases its decision on an error of law or a clearly erroneous assessment of the evidence." *United States v. Chambliss*, 948 F.3d 691, 693 (5th Cir. 2020) (internal quotation marks and citation omitted).

Evans does not challenge the basis of the district court's dismissal. Instead, he has raised arguments not presented in the motion at issue. We do not consider newly raised arguments. *See United States v. Thompson*, 984 F.3d 431, 432 n.1 (5th Cir.), *cert. denied*, 141 S. Ct. 2688 (2021); *Leverette v. Louisville Ladder Co.*, 183 F.3d 339, 342 (5th Cir. 1999). Moreover, Evans has waived the only viable appellate issue. *See Yohey v. Collins*, 985 F.2d 222, 224-25 (5th Cir. 1993).

Accordingly, the appeal is DISMISSED as frivolous. *See Howard v. King*, 707 F.2d 215, 219-20 (5th Cir. 1983); 5TH CIR. R. 42.2. The Government's motion for summary affirmance is DENIED.

As he has failed to heed our earlier warning, Evans is ORDERED to pay a sanction of \$100 to the clerk of this court, and he is BARRED from filing in this court or any court subject to this court's jurisdiction a challenge to his conviction and sentence until the sanction is paid, unless he obtains leave of the court in which he seeks to file such challenge. Evans is once again WARNED that any repetitive or frivolous filings in this court or any court subject to this court's jurisdiction may invite the imposition of further sanctions, including dismissal, monetary sanctions, and restrictions on his ability to file pleadings in this court and any court subject to this court's jurisdiction.