

United States Court of Appeals
for the Fifth Circuit

United States Court of Appeals
Fifth Circuit

FILED

September 1, 2026

Lyle W. Cayce
Clerk

No. 24-10260

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

L. C. GIPSON,

Defendant—Appellant.

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 4:93-CR-5-1

Before JONES, SOUTHWICK, and WILLETT, *Circuit Judges*.

PER CURIAM:*

Over the course of a single week in October 1992, L. C. Gipson participated in three armed robberies. The next year, a jury convicted him of one count of conspiracy to commit Hobbs Act robbery, two counts of substantive Hobbs Act robbery, one count of attempted Hobbs Act robbery, and three counts of using or carrying a firearm during a crime of violence, 18 U.S.C. § 924(c). The substantive and attempted Hobbs Act robbery

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

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counts served as the predicate crimes of violence for the three § 924(c) counts.

At the time of Gipson’s sentencing, 18 U.S.C. § 924(c) imposed a five-year mandatory minimum for using or carrying a firearm during a crime of violence, to run consecutively to any other sentence. *See* 18 U.S.C. § 924(c)(1) (Supp. V 1993). It provided an enhanced twenty-year mandatory minimum for a “second or subsequent conviction” under that same subsection, also to run consecutively to any other sentence. *Id.* And in *Deal v. United States*, the Supreme Court interpreted the “second or subsequent conviction” enhancement to apply even when the first § 924(c) conviction was obtained in the same prosecution. 508 U.S. 129, 132 (1993). Applying this version of § 924(c), the district court sentenced Gipson to 60 months’ imprisonment on his first § 924(c) count and 240 months each on the remaining two § 924(c) counts, to run consecutively to each other and to all other counts. In total, Gipson received a combined sentence of 750 months’ imprisonment on all counts.

Two significant developments in the legal landscape occurred after Gipson’s conviction and sentence became final. First, in 2018, Congress passed the First Step Act, which replaced the “second or subsequent conviction” language in § 924(c) with a reference to “violation[s] . . . that occur[] after a prior [§ 924(c)] conviction.” Pub. L. 115–391, § 403(a), 132 Stat. 5194, 5221–22 (2018). As amended, § 924(c)’s recidivism enhancement no longer applies to multiple § 924(c) convictions obtained in the same prosecution. *See Hewitt v. United States*, 606 U.S. 419, 424 (2025). Second, in 2022, the Supreme Court held in *United States v. Taylor* that attempted Hobbs Act robbery does not qualify as a “crime of violence” and thus cannot serve as the predicate for a § 924(c) conviction. 596 U.S. 845, 851 (2022).

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In 2023, Gipson filed a motion for a reduction of his sentence—commonly called a motion for compassionate release—relying on the First Step Act’s amendments to § 924(c) and the Supreme Court’s decision in *Taylor*. See 18 U.S.C. § 3582(c)(1)(A)(i). The district court denied the motion, and Gipson appealed.

After briefing concluded, the Supreme Court issued two relevant compassionate-release decisions: *Rutherford v. United States*, 146 S. Ct. 1320 (2026), and *Fernandez v. United States*, 146 S. Ct. 1292 (2026). Together, *Rutherford* and *Fernandez* foreclose the two theories Gipson presses here.

First, *Rutherford* squarely defeats Gipson’s reliance on the First Step Act’s amendments to § 924(c). Like Gipson, the petitioners in *Rutherford* argued that the sentencing disparity caused by Congress’s decision not to make the amendments to § 924(c) retroactive supplied the sort of “extraordinary and compelling” reasons required to obtain compassionate release. See 18 U.S.C. § 3582(c)(1)(A)(i); *Rutherford*, 146 S. Ct. at 1329. The Court rejected that argument, holding that “Congress’s nonretroactive change to § 924(c)—considered by itself or in combination with other factors—cannot make a prisoner eligible for compassionate release.” *Rutherford*, 146 S. Ct. at 1335. That holding controls here.

Second, *Fernandez* forecloses Gipson’s attempt to use *Taylor* as a basis for compassionate release. *Fernandez* held that “[a] prisoner who collaterally attacks the validity of his conviction must proceed through 28 U.S.C. § 2255,” not the compassionate-release statute. 146 S. Ct. at 1298. Gipson argues that he is not challenging the validity of his third § 924(c) conviction—the one predicated on attempted Hobbs Act robbery—because compassionate release would reduce his sentence rather than vacate the conviction. Under *Fernandez*, however, “[w]hether a prisoner’s request for relief challenges a conviction” turns on “the nature of the arguments

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presented”—not the requested remedy. *Id.* at 1305. Here, Gipson’s argument is that the conviction is invalid because, under *Taylor*, attempted Hobbs Act robbery is not a valid predicate offense. Whatever its merits, that argument belongs, if anywhere, in a § 2255 motion—not in a motion for compassionate release under § 3582. *See id.* at 1298.

* * *

Because *Rutherford* and *Fernandez* foreclose both of Gipson’s theories, he cannot show the “extraordinary and compelling reasons” that compassionate release requires. The district court did not err in denying his motion.

AFFIRMED.