

United States Court of Appeals for the Fifth Circuit

No. 25-20448
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

October 23, 2026

Thomas B. Plunkett, III
Clerk

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

FRANCIS EKENE,

Defendant—Appellant.

Appeal from the United States District Court
for the Southern District of Texas
USDC No. 4:19-CR-633-2

Before STEWART, RICHMAN, and HIGGINSON, *Circuit Judges*.

PER CURIAM:*

Francis Ekene, federal prisoner # 00160-579, appeals the denial of his 18 U.S.C. § 3582(c)(1)(A)(i) motion for compassionate release. We review for abuse of discretion. *See United States v. Chambliss*, 948 F.3d 691, 693 (5th Cir. 2020). We need not consider whether the district court erred by determining that Ekene failed to show extraordinary and compelling reasons warranting relief; the district court's alternative consideration of the 18

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

No. 25-20448

U.S.C. § 3553(a) factors provides a sufficient basis for affirmance. *See United States v. Jackson*, 27 F.4th 1088, 1093 n.8 (5th Cir. 2022).

The district court, who was also the original sentencing judge, determined that, in light of Ekene's considerable involvement in a years-long conspiracy to defraud Medicare of millions of dollars, a reduction of his below-guidelines sentence would not reflect the seriousness of his offenses, promote respect for the law, provide just punishment for his offenses, adequately deter criminal conduct, or protect the public from Ekene's future crimes. *See* 18 U.S.C. § 3553(a)(2)(A)-(C). It also found that Ekene's medical needs did not weigh in favor of granting relief since he is receiving sufficient medical care. *See* 18 U.S.C. § 3553(a)(2)(D).

Although Ekene argues that his lack of prior criminal history, post-sentencing rehabilitation, unlikelihood of reoffending, and poor health show that the § 3553(a) factors weigh in his favor, his mere disagreement with the district court does not warrant reversal. *See Chambliss*, 948 F.3d at 694. Nor has he shown that the district court abused its discretion by denying § 3582(c)(1)(A)(i) relief without first conducting an evidentiary hearing via video conference. *See Dickens v. Lewis*, 750 F.2d 1251, 1255 (5th Cir. 1984); FED. R. CRIM. P. 43(b)(4).

AFFIRMED.