

United States Court of Appeals for the Fifth Circuit

No. 25-30240
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

April 27, 2026

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

JOSHUA BOSLEY,

Defendant—Appellant.

Appeal from the United States District Court
for the Western District of Louisiana
USDC No. 3:23-CR-33-1

Before JONES, DUNCAN, and DOUGLAS, *Circuit Judges.*

PER CURIAM:*

Joshua Bosley, federal prisoner # 46806-510, appeals the district court's denial of his motion for compassionate release, filed pursuant to 18 U.S.C. § 3582(c)(1)(A)(i). He contends that the district court erred by failing to consider whether he had identified an extraordinary and compelling reason for granting relief under U.S.S.G. § 1B1.13(b)(5), p.s. To the extent

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

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we need consider his argument, raised for the first time on appeal, that the district court erred by denying him an opportunity to file a reply, *see, e.g., United States v. Thompson*, 984 F.3d 431, 432 n.1 (5th Cir. 2021), Bosley does not identify any arguments that he would have raised in a reply or explain how the district court abused its discretion where the court set a deadline for filing a reply and waited more than two weeks after that deadline before denying relief. *See Klocke v. Watson*, 936 F.3d 240, 243 (5th Cir. 2019).

We review the denial of a compassionate release motion for abuse of discretion. *United States v. Chambliss*, 948 F.3d 691, 693-94 (5th Cir. 2020). We need not address whether Bosley has cited an extraordinary and compelling reason warranting compassionate release under § 1B1.13(b)(5), p.s., since he fails to show that the district court abused its discretion by denying relief based on the 18 U.S.C. § 3553(a) factors. *See United States v. Jackson*, 27 F.4th 1088, 1093 n.8 (5th Cir. 2022).

The district court determined that Bosley remained a danger to the public despite his chronic kidney disease given both his considerable criminal history and that he committed the crime of conviction while suffering from the disease. *See* 18 U.S.C. § 3553(a)(1) and (2)(C). Further, it concluded that a reduction would not reflect the seriousness of the offense, promote respect for the law, provide just punishment, or deter further criminal conduct. *See* 18 U.S.C. § 3553(a)(2)(A)-(B). Although it did not expressly address Bosley’s argument in favor of home-confinement, the court made clear that it had considered the parties’ briefs before explaining at length why the § 3553(a) factors did not warrant granting relief, highlighting that it would be “unlikely that [Bosley] could afford the exorbitant costs of his condition” and that he had “not been compliant with medical providers’ instructions.”

The denial of § 3582(c)(1)(A)(i) relief is therefore AFFIRMED, and Bosley’s motion for appointment of counsel is DENIED.