

United States Court of Appeals
for the Fifth Circuit

United States Court of Appeals
Fifth Circuit

FILED

October 13, 2026

Thomas B. Plunkett, III
Clerk

No. 25-40573
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

BRODERICK WADE YORK,

Defendant—Appellant.

Appeal from the United States District Court
for the Southern District of Texas
USDC No. 3:06-CR-8-4

Before JONES, HO, and WILSON, *Circuit Judges*.

PER CURIAM:*

Broderick Wade York, federal prisoner # 45143-079, is serving various terms of imprisonment, including consecutive life terms imposed pursuant to 18 U.S.C. § 924(c)(1), based on offenses “stemming from a botched bank robbery and a subsequent attempt to murder a witness.” *United States v. Senegal*, 371 F. App’x 494, 495 (5th Cir. 2010). He now appeals the district

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

No. 25-40573

court's denial of his motion for compassionate release, filed pursuant to 18 U.S.C. § 3582(c)(1)(A).

The sole issue York raises on appeal is that the district court erred in concluding that it lacked authority to consider the First Step Act's non-retroactive elimination of sentence-stacking under § 924(c) as an "extraordinary and compelling reason" to reduce his consecutive sentences of life imprisonment. He has waived any challenge to the other determinations made by the district court by failing to raise them. *See United States v. Jimenez*, 509 F.3d 682, 693 n.10 (5th Cir. 2007). The Government has filed a motion for summary affirmance or, alternatively, for an extension of time to file a merits brief.

The Supreme Court recently held that the First Step Act's "nonretroactive change to § 924(c)—considered by itself or in combination with other factors—cannot make a prisoner eligible for compassionate release." *Rutherford v. United States*, 146 S. Ct. 1320, 1335 (2026). As the decision in *Rutherford* is dispositive of the only issue raised on appeal, we affirm without further briefing. *See United States v. Bailey*, 924 F.3d 1289, 1290 (5th Cir. 2019).

In light of the foregoing, the motion for summary affirmance or, alternatively, for an extension of time to file a merits brief, is DENIED, and the decision of the district court is AFFIRMED.