

United States Court of Appeals
for the Fifth Circuit

No. 26-10245
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

October 2, 2026

Thomas B. Plunkett, III
Clerk

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

JOSE JUAN MONTELONGO,

Defendant—Appellant.

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 4:12-CR-45-2

Before HAYNES, GRAVES, and RAMIREZ, *Circuit Judges*.

PER CURIAM:*

Jose Juan Montelongo, federal prisoner #43986-177, is serving two concurrent terms of life imprisonment for drug convictions. Montelongo appeals the district court's sua sponte denial of his motion for compassionate release, filed pursuant to 18 U.S.C. § 3582(c)(1)(A).

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

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Noting that the Government did not respond to his compassionate release motion, Montelongo asserts that it is unknown whether the Government opposes his request for relief. To the extent Montelongo faults the district court for denying relief on his motion without seeking a response from the Government, he fails to show error. *See Ward v. United States*, 11 F.4th 354, 361 (5th Cir. 2021).

Montelongo also argues that relief is warranted for several reasons, including his drug abuse at the time of his offenses, the current system of advisory sentencing guidelines following *United States v. Booker*, 543 U.S. 220 (2005), the need to reduce disparities between his sentence and the sentences received by his co-defendants, his service of over 13 years of his sentence of imprisonment with an exemplary prison record, his efforts toward rehabilitation, and because the goals of sentencing do not require his incarceration for life. However, the district court indicated that it was not persuaded that relief should be granted after considering the sentencing factors of 18 U.S.C. § 3553(a). Montelongo's contentions amount to a disagreement with the district court's balancing of the § 3553(a) factors, which "is not a sufficient ground for reversal." *United States v. Chambliss*, 948 F.3d 691, 694 (5th Cir. 2020).

In view of the foregoing, Montelongo has failed to show an abuse of discretion as to the district court's assessment of the § 3553(a) factors. *See id.* Therefore, to the extent Montelongo argues that extraordinary and compelling reasons warrant compassionate release and that he is not a danger to the community, we need not consider such contentions. *See United States v. Jackson*, 27 F.4th 1088, 1093 n.8 (5th Cir. 2022). The decision of the district court is AFFIRMED.