

United States Court of Appeals
for the Fifth Circuit

United States Court of Appeals
Fifth Circuit

FILED

August 17, 2026

Lyle W. Cayce
Clerk

No. 26-30063
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

WINSTON GILMORE,

Defendant—Appellant.

Appeal from the United States District Court
for the Eastern District of Louisiana
USDC No. 2:03-CR-274-4

Before ELROD, *Chief Judge*, and WILSON and DOUGLAS, *Circuit Judges*.

PER CURIAM:*

Winston Gilmore, federal prisoner # 28584-034, appeals the district court's denial of his 18 U.S.C. § 3582(c)(1)(A)(i) motion for compassionate release. Gilmore contends that extraordinary and compelling reasons exist for his compassionate release, focusing on various changes in the law that he claims would result in a lower sentence if he were sentenced today and additionally contending that his is an "unusually long sentence" under

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

No. 26-30063

U.S.S.G. § 1B1.13(b)(6). As to the 18 U.S.C. § 3553(a) factors, he argues that “the objectives of deterrence and protection of the public” “will not be served by” denying him compassionate release because of “his post-conviction rehabilitation” and the fact that “he has accepted responsibility for his actions.” He further argues that that he has “not incurred any convictions or meaningful infractions while in prison these past years” and, instead, has compiled “an extraordinary prison record and [a] very commendable progress in his post sentencing rehabilitation efforts.”

The Government argues, among other things, that Gilmore failed to properly exhaust or present his arguments for compassionate release to the Bureau of Prisons prior to the filing of his motion. However, we may pretermitt the exhaustion issue where, as here, the case can easily be resolved on the merits. *See United States v. Franco*, 973 F.3d 465, 467 (5th Cir. 2020).

We review the denial of a motion for compassionate release for abuse of discretion. *United States v. Chambliss*, 948 F.3d 691, 693 (5th Cir. 2020). We need not consider Gilmore’s arguments concerning extraordinary and compelling reasons, because “we have regularly affirmed the denial of a compassionate-release motion . . . where the district court’s weighing of the [18 U.S.C. §] 3553(a) factors can independently support its judgment.” *United States v. Jackson*, 27 F.4th 1088, 1092-93 n.8 (5th Cir. 2022); *see Ward v. United States*, 11 F.4th 354, 360-62 (5th Cir. 2021). Such is the case here.

As regards the § 3553(a) factors, the district court found that the nature and circumstance of Gilmore’s offenses did not weigh in favor of release because his offenses involved second-degree kidnapping, two murders, and the attempted murders of two additional people. *See* § 3553(a)(1). The court additionally found that Gilmore’s life sentence was needed to reflect the seriousness of his crimes, promote respect for the law, provide just punishment, deter criminal conduct, and protect the public from

No. 26-30063

further crime. *See* § 3553(a)(2)(A). At most, Gilmore's arguments challenging the district court's assessment of the § 3553(a) factors amount to no more than a disagreement with the district court's balancing of those factors, which is insufficient to show an abuse of discretion. *See Chambliss*, 948 F.3d at 694.

AFFIRMED.