

United States Court of Appeals
for the Fifth Circuit

United States Court of Appeals
Fifth Circuit

FILED

September 21, 2026

Lyle W. Cayce
Clerk

No. 26-40023
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

JORGE ALBEIRO SILVA-SALAZAR,

Defendant—Appellant.

Appeal from the United States District Court
for the Eastern District of Texas
USDC No. 4:17-CR-12-17

Before HIGGINBOTHAM, SMITH, and HO, *Circuit Judges*.

PER CURIAM:*

Jorge Albeiro Silva-Salazar, federal prisoner # 28237-078, appeals the denial of his motion for a reduction in his sentence pursuant to 18 U.S.C. § 3582(c)(2). Silva-Salazar sought a reduction under Subpart 1 of Part B of Amendment 821 to the Sentencing Guidelines. We review the district

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

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court's denial for abuse of discretion. *See United States v. Calton*, 900 F.3d 706, 710 (5th Cir. 2018).

Silva-Salazar argues that the district court abused its discretion in denying his § 3582(c)(2) motion. Specifically, he contends that the district court did not address his eligibility for a reduction under Amendment 821 or the 18 U.S.C. § 3553(a) sentencing factors. He also appears to raise arguments challenging the procedural and substantive reasonableness of his 200-month sentence.

The record reflects that the district court judge, who also sentenced Silva-Salazar in 2023, was aware of Silva-Salazar's eligibility for a sentence reduction under § 3582(c)(2), but denied a reduction after weighing the sentencing factors of § 3553(a). Specifically, the district court considered the nature and circumstances of Silva-Salazar's offense, as well as his history and characteristics, in denying relief. Silva-Salazar's contention that his post-sentencing rehabilitation warranted a reduction amounts to a mere disagreement with the district court's analysis of the 3553(a) factors, which is insufficient to establish an abuse of discretion. *See United States v. Evans*, 587 F.3d 667, 672-73 (5th Cir. 2009). We do not consider Silva-Salazar's arguments, raised for the first time on appeal, challenging the procedural and substantive reasonableness of his original sentence, *see United States v. Pardue*, 36 F.3d 429, 431 (5th Cir. 1994); in any event, these claims are not cognizable in a § 3582(c)(2) motion, *see Dillon v. United States*, 560 U.S. 817, 824-26 (2010); *United States v. Hernandez*, 645 F.3d 709, 712 (5th Cir. 2011).

Given the record, there is no basis to conclude that the district court abused its discretion in denying Silva-Salazar's § 3582(c)(2) motion. *See Calton*, 900 F.3d at 710. Accordingly, the judgment of the district court is **AFFIRMED**.