

United States Court of Appeals for the Fifth Circuit

No. 26-40075
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED
September 21, 2026

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

DONALD TARNAWA,

Defendant—Appellant.

Appeal from the United States District Court
for the Eastern District of Texas
USDC No. 4:03-CR-144-1

Before STEWART, RICHMAN, and HIGGINSON, *Circuit Judges*.

PER CURIAM:*

Donald Tarnawa, federal prisoner # 32152-013, appeals the denial of his 18 U.S.C. § 3582(c)(1)(A)(i) motion for compassionate release. In his appeal briefs, Tarnawa abandons his arguments raised in his compassionate release motion that he is entitled to relief because extraordinary and compelling circumstances exist and focuses exclusively on his arguments that he is entitled to release because he has been rehabilitated in prison. He

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

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further contends that the district court did not consider his rehabilitation arguments in denying relief.

Tarnawa has failed to demonstrate that the district court's denial of his compassionate release motion was an abuse of discretion. *See United States v. Chambliss*, 948 F.3d 691, 693 (5th Cir. 2020). Importantly, it is clear that the district court reviewed Tarnawa's motion, and we can assume that it considered his rehabilitation arguments, even if it did not explicitly address any particular argument. *See United States v. Batiste*, 980 F.3d 466, 479 (5th Cir. 2020). At most, Tarnawa's rehabilitation arguments challenging the district court's assessment of the 18 U.S.C. § 3553(a) factors amount to no more than a disagreement with the district court's balancing of these factors, which is insufficient to show an abuse of discretion. *See Chambliss*, 948 F.3d at 694.

AFFIRMED.