

FILED

United States Court of Appeals
Tenth Circuit

UNITED STATES COURT OF APPEALS

FOR THE TENTH CIRCUIT

July 20, 2023

Christopher M. Wolpert
Clerk of Court

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

LEONIDAS ROY FIELDS,

Defendant - Appellant.

No. 22-6065
(D.C. No. 5:75-CR-00109-C-1)
(W.D. Okla.)

ORDER AND JUDGMENT*

Before **PHILLIPS, MURPHY**, and **EID**, Circuit Judges.**

Leonidas Roy Fields appeals an order by the Western District of Oklahoma dismissing his Motion for Compassionate Release pursuant to 18 U.S.C. § 3582(c)(1)(A) for lack of jurisdiction. Fields's opening appellate brief does not challenge the ruling of the district court. As a result, Fields does not adequately challenge the district court's judgment, and we will not consider the issue. Accordingly, exercising jurisdiction under

* This order and judgment is not binding precedent, except under the doctrines of law of the case, res judicata, and collateral estoppel. It may be cited, however, for its persuasive value consistent with Fed. R. App. P. 32.1 and 10th Cir. R. 32.1.

** After examining the briefs and appellate record, this panel has determined unanimously that oral argument would not materially assist in the determination of this appeal. *See* Fed. R. App. P. 34(a)(2); 10th Cir. R. 34.1(G). The case is therefore ordered submitted without oral argument.

28 U.S.C. § 1291, we affirm the district court's dismissal of Fields's Motion for Compassionate Release.

I.

In 1975, Leonidas Roy Fields was in prison serving a sentence for armed bank robbery. While serving this sentence, a jury convicted Fields of first-degree murder of a correctional officer engaged in his official duties. As a result, Fields was sentenced to life in prison to run consecutively with his current sentence.

On January 29, 2021, Fields filed a motion for compassionate release in the Western District of Oklahoma pursuant to 18 U.S.C. § 3582(c)(1)(A). The district court dismissed the motion for lack of jurisdiction. The district court reasoned that Fields was sentenced before the effective date of the sentencing guidelines. Consequently, the compassionate release statute did not apply to him. Even if the statute did apply, the district court still found that Fields failed to satisfy the three requirements of the statute.

Fields filed a second motion for compassionate release on March 25, 2022. The district court dismissed this motion under the same jurisdictional grounds as Fields's first motion and, in the alternative, because Fields failed to show an extraordinary and compelling reason for granting a sentence reduction.

Fields appeals the dismissal of his second motion.

II.

On appeal, Fields argues that his conviction was due to a conspiracy connected to his religious practice as a member of the Nation of Islam. Because he proceeds

pro se, we construe his filings liberally but will not act as his advocate. *Haines v. Kerner*, 404 U.S. 519, 520 (1972); *Hooks v. Atoki*, 983 F.3d 1193, 1196 n.1 (10th Cir. 2020) (quoting *James v. Wadas*, 724 F.3d 1312, 1315 (10th Cir. 2013)).

While a pro se litigant is entitled to a liberal construction of his filings, pro se status does not mean a litigant is excused from complying with the fundamental requirements of appellate procedure. *Garrett v. Selby Connor Maddux & Janer*, 425 F.3d 836, 840 (10th Cir. 2005); *see also Yang v. Archuletta*, 525 F.3d 925, 927 n.1 (10th Cir. 2008). To adequately brief an issue under Federal Rule of Appellate Procedure 28, an appellant must include “more than a generalized assertion of error.” *Garrett*, 425 F.3d at 840 (quoting *Anderson v. Hardman*, 241 F.3d 544, 545 (7th Cir. 2001)). Specifically, an appellant’s opening brief must identify the “appellant’s contentions and the reasons for them” Fed. R. App. P. 28(a)(8)(A). If “a pro se litigant fails to comply with this rule, we cannot fill the void by crafting arguments” on his behalf. *Garett*, 425 F.3d at 840 (quoting *Anderson*, 241 F.3d at 545). As such, “the omission of an issue in an opening brief generally forfeits appellate consideration of the issue.” *Bronson v. Swensen*, 500 F.3d 1099, 1104 (10th Cir. 2007); *see also United States v. Billingsley*, 856 Fed. App’x 210, 211 (10th Cir. 2021) (unpublished)¹ (issues not raised in an opening brief or inadequately briefed will not be considered). Consequently, even for pro se filings, issues and challenges

¹ Unpublished cases are not binding precedent, but we consider them for their persuasive value. *See* Fed. R. App. P. 32.1; 10th Cir. R. 32.1.

to judgments of a district court are deemed forfeited or waived if the issues are not adequately briefed. *Garrett*, 425 F.3d at 841.

Fields's opening brief does not raise a claim of error by the district court. The district court's rationale was that the statute is inapplicable to Fields as he committed his offense prior to the date it became effective. As a result, the district court lacked jurisdiction to consider the motion. Fields does not address the applicability of the statute to his offense in his opening brief nor mention the jurisdictional issue identified by the district court. While Fields does ask for his release in briefing, he does not do so by challenging the district court's ruling on his motion for compassionate release. Instead, Fields challenges the basis for his first-degree murder conviction. However, this is not an issue that the district court considered or ruled on for the purposes of Fields's present appeal.²

Accordingly, Fields inadequately briefed the issues by failing to challenge the district court's decision to deny his motion for compassionate release in his opening brief, and we will not consider it.

² On January 24, 2023, Fields filed a motion requesting Compassionate Release directly from this court. *See* Aplt. Mot. (Jan. 24, 2023). This court is unable to grant such a motion. Further, as the motion did not address the district court's judgment, it does not affect the outcome of this appeal.

III.

For the reasons stated above, we AFFIRM the district court's dismissal of Fields's Motion for Compassionate Release.³

Entered for the Court

Allison H. Eid
Circuit Judge

³ We GRANT Fields's motion for leave to proceed in forma pauperis.