

United States Court of Appeals
for the Fifth Circuit

United States Court of Appeals
Fifth Circuit

FILED

August 19, 2021

Lyle W. Cayce
Clerk

No. 20-10915
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

HOLLY LEANNE FRANTZEN,

Defendant—Appellant.

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 4:20-CV-935
USDC No. 4:16-CR-132-22

Before WIENER, DENNIS, and HAYNES, *Circuit Judges*.

PER CURIAM:*

Defendant-Appellant Holly Leanne Frantzen, federal prisoner # 54447-177, appeals the district court's denial of her motion for a sentence reduction pursuant to 18 U.S.C. § 3582(c)(1)(A). Frantzen is serving a term

* Pursuant to 5TH CIRCUIT RULE 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIRCUIT RULE 47.5.4.

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of 200 months in prison following her guilty-plea conviction of conspiracy to possess with intent to distribute a controlled substance. *See* 21 U.S.C. § 841(a)(1), (b)(1)(B); 21 U.S.C. § 846.

As an initial matter, we are not persuaded by Frantzen’s contention that the district court erred by denying her motion before receiving a response from the Government, which the statute does not require. *See* 18 U.S.C. § 3582(c)(1).

Frantzen contends that the district court erred in concluding that she failed to show extraordinary and compelling reasons supporting her release and that the 18 U.S.C. § 3553(a) factors did not support a reduction. We review the district court’s decision denying compassionate release for abuse of discretion. *United States v. Chambliss*, 948 F.3d 691, 693 (5th Cir. 2020). Frantzen filed the motion for compassionate release, so the district court is “bound only by § 3582(c)(1)(A)(i) and . . . the sentencing factors in § 3553(a).” *United States v. Shkambi*, 993 F.3d 388, 393 (5th Cir. 2021).

Frantzen fails to show that the district court abused its discretion in denying her motion for compassionate release after concluding that the § 3553(a) factors weighed against a sentence reduction. *See Shkambi*, 993 F.3d at 393; *Chambliss*, 948 F.3d at 693. In making this determination, the district court explicitly considered the seriousness of Frantzen’s offense, her criminal history, and the interests of justice. Frantzen disagrees with how the district court balanced the § 3553(a) factors, but her disagreement does not show that the district court’s decision was based on a legal error or a clearly erroneous factual finding, or that the district court otherwise abused its discretion. *See Shkambi*, 993 F.3d at 393; *Chambliss*, 948 F.3d at 693.

AFFIRMED.