

United States Court of Appeals
for the Fifth Circuit

United States Court of Appeals
Fifth Circuit

FILED

April 9, 2024

Lyle W. Cayce
Clerk

No. 23-30419
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

STEVEN DEEM,

Defendant—Appellant.

Appeal from the United States District Court
for the Western District of Louisiana
USDC No. 5:13-CR-149-1

Before KING, HAYNES, and GRAVES, *Circuit Judges*.

PER CURIAM:*

Steven Deem, federal prisoner # 16418-035, appeals the denial of his 18 U.S.C. § 3582(c)(1)(A)(i) motion for compassionate release. The district court denied relief based upon its consideration of the 18 U.S.C. § 3553(a) factors, and we review that denial for an abuse of discretion. *See United States v. Chambliss*, 948 F.3d 691, 693 (5th Cir. 2020).

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

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The arguments Deem makes challenging the validity of his prior state conviction as a child-sex offender, the validity of his instant conviction for distribution of child pornography under 18 U.S.C. § 2252A(a)(2), and the use of his prior state conviction to enhance the statutory sentencing range in this case under § 2252A(b)(1) are not the proper subject of a § 3582(c)(1)(A) motion, *see United States v. Escajeda*, 58 F.4th 184, 187 (5th Cir. 2023), and we do not consider them. Nor do we consider his arguments regarding factors to be considered under 18 U.S.C. § 3142(g), which is inapplicable to Deem's motion for relief under § 3582(c)(1)(A)(i).

Citing his age, his poor health, and the fact that he would return to a home with no children in it, Deem contends he is not likely to recidivate and the district court thus erred in finding that he posed a potential danger to the community if released. However, the district court explained its decision to deny relief in terms of several of the § 3553(a) factors. Deem has failed to show the district court abused its discretion in determining the § 3553(a) factors did not warrant compassionate release. *See Chambliss*, 948 F.3d at 693-94. His challenge to the district court's balancing of the § 3553(a) factors is not a sufficient ground for reversal. *See id.* at 694.

Deem's motions for a hearing and for the appointment of counsel are DENIED, his motion to assign an intervenor to file record excerpts on his behalf is DENIED as unnecessary, and the order of the district court is AFFIRMED.