

United States Court of Appeals
for the Fifth Circuit

No. 23-30582

United States Court of Appeals
Fifth Circuit

FILED

February 14, 2024

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

ELLIS BATISTE, SR.,

Defendant—Appellant.

Appeal from the United States District Court
for the Eastern District of Louisiana
USDC No. 2:20-CR-88-1

Before SMITH, GRAVES, and WILSON, *Circuit Judges*.

PER CURIAM:*

Ellis Batiste is a federal inmate serving a sentence for participating in a drug trafficking conspiracy. He appeals the denial of his motion for compassionate release. We affirm.

I.

Batiste has long suffered from numerous physical and medical ailments: He has been confined to a wheelchair since 2002, when a gunshot

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

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wound left him a paraplegic. Multiple chronic illnesses and co-morbidities afflict Batiste, reflecting a decades-long deterioration of his health. Batiste's physical and medical impairments have been—and continue to be—numerous and severe.

But not numerous or severe enough to keep Batiste from becoming a major drug trafficker. While wheelchair-bound, and while afflicted with serious medical issues, Batiste led a drug-trafficking organization, managed that operation from his residence, and dealt drugs from his bedside. Ultimately, he pleaded guilty of leading a drug-trafficking conspiracy and the trafficking of over fifteen kilograms of cocaine, one kilogram of fentanyl, five grams of heroin, and four grams of crack.

Faced with an advisory guideline range of 135 to 162 months, Batiste sought a below-guidelines sentence because of his medical condition. After considering his “paraplegia and other serious, chronic, and life-threatening conditions,” the district court departed substantially downward and sentenced Batiste to seventy-two months.

Just over thirteen months later, Batiste began seeking a further reduction of his sentence. First came an application requesting compassionate release, submitted to the Bureau of Prisons. That application was denied. Batiste then sought compassionate release from the district court, averring that relief was justified in light of his medical deterioration, terminal condition, clear end-of-life trajectory, and less-than-eighteen-month prognosis for survival.

The district court denied Batiste's motion. In a detailed and comprehensive opinion, the court explained that granting compassionate release was not appropriate, given the nature and circumstances of the offense and the need to protect the public from Batiste's future criminality. The court also observed that compassionate release would duplicate the relief it had already

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provided in the form of a substantial downward departure.

II.

“Appeals of motions for compassionate release are judged on the abuse-of-discretion standard.” *United States v. Rollins*, 53 F.4th 353, 358 (5th Cir. 2022) (citations omitted). A district court abuses its discretion if it “bases its decision on an error of law or a clearly erroneous assessment of the evidence.” *United States v. Jackson*, 27 F.4th 1088, 1091 (5th Cir. 2022) (cleaned up). “We review purported errors of law *de novo*.” *Id.* (citation omitted). “A factual determination is clearly erroneous only if, based on the entire evidence, we are left with the definite and firm conviction that a mistake has been committed.” *Id.* (cleaned up).

III.

Successfully to seek compassionate release, an inmate “must overcome three hurdles.” *Rollins*, 53 F.4th at 358 (cleaned up). *First*, “he must prove that ‘extraordinary and compelling reasons’ justify a sentence reduction.” *Id.* (citation omitted); *see* 18 U.S.C. § 3582(c)(1)(A)(i). *Second*, “that reduction must be consistent with applicable policy statements issued by the Sentencing Commission.” *Rollins*, 53 F.4th at 358 (cleaned up); *see* § 3582(c)(1)(A). *Third*, he “must persuade the district court that his early release would be consistent with the sentencing factors in . . . § 3553(a).” *Rollins*, 53 F.4th at 358 (cleaned up).

Batiste clears the first two hurdles. The commentary to the United States Sentencing Guidelines (“U.S.S.G.”) § 1B1.13¹ describes two circum-

¹ After the district court issued its order, and while Batiste’s case was pending on appeal, the November 2023 amendments to the Guidelines took effect. *See* U.S. SENT’G GUIDELINES MANUAL § 1B1.13(b)(1) (U.S. Sent’g Comm’n 2023). The amendment does not alter our analysis. The two medical circumstances previously described in the

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stances in which a medical condition might be sufficiently serious to warrant release. *See* U.S.S.G. § 1B1.13 cmt. n.1(A).² The district court, considering that commentary, found that both circumstances described Batiste’s medical condition.³ It therefore determined that Batiste was eligible for compassionate relief. *See United States v. Chambliss*, 948 F.3d 691, 693 (5th Cir. 2020). We adopt that determination.⁴

That leaves the third hurdle. Compassionate release is discretionary. *See* § 3582(c)(1)(A). So, an inmate seeking a sentence reduction bears the burden of “convinc[ing] the district judge to exercise discretion to grant the motion after considering the § 3553(a) factors.” *United States v. Shkambi*, 993 F.3d 388, 392 (5th Cir. 2021). If an inmate “fails to convince the district court to exercise its discretion, then the court may deny the motion, assuming it provides specific factual reasons, including but not limited to due consideration of the § 3553(a) factors.” *Ward v. United States*, 11 F.4th 354, 361 (5th Cir. 2021) (cleaned up).

We review the district court’s application of the § 3553(a) factors with deference. “All that is required is that the district court ‘sufficiently articulate’ its reasons for denying compassionate release and not base any necessary condition on a clearly erroneous assessment of the evidence.” *Rollins*, 53 F.4th at 360 n.2 (cleaned up). Accordingly, the sentencing decision stands—and reversal is not justified—even if “we might reasonably have

commentary, and considered by the district court, are codified at § 1B1.13(b)(1)(A)–(B).

² Although not dispositive, the commentary to the U.S.S.G. informs our analysis as to what reasons may be sufficiently ‘extraordinary and compelling’ to merit compassionate release.” *United States v. Thompson*, 984 F.3d 431, 433 (5th Cir. 2021) (cleaned up).

³ Specifically, the district court found that Batiste is (1) terminally ill and (2) suffers from a serious medical condition that diminishes his ability to provide self-care.

⁴ The government does not challenge that decision.

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concluded that a different sentence was appropriate.” *Chambliss*, 948 F.3d at 693 (cleaned up).

IV.

The district court sufficiently stated its reasons for denying compassionate release. In its weighing of the § 3553(a) factors, the court assessed the evidence and considered Batiste’s contentions. The court’s reasons for denying relief are adequately articulated in three specific factual findings:⁵

First, the court considered the nature and circumstances of the crime. Batiste was a major drug trafficker and the leader of a drug-trafficking organization. He was convicted of conspiring to distribute large quantities of cocaine, fentanyl, heroin, and methamphetamine. Additionally, the court noted that Batiste had served less than twenty percent of his sentence. Given the severity of the crime and the minimal time served, it was not clearly erroneous for the court to find that the nature and circumstances of Batiste’s crime did not justify relief.

Second, the court considered the need to protect the public from Batiste’s future criminality. It observed that Batiste had committed the convicted offenses while he was wheelchair-bound and afflicted with serious medical issues. Indeed, those extreme physical and medical impairments did not stop Batiste from managing his drug trafficking organization. Nor did they keep him from conducting drug transactions while lying in his bed next to large quantities of drugs.

True, Batiste’s health has deteriorated since initial sentencing, and he is now bedridden. But that marginal deterioration is not so severe as to prevent him from recidivating. Batiste may be bedridden, but he remains no less

⁵ See *Rollins*, 53 F.4th at 359; *Chambliss*, 948 F.3d at 693–94.

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capable of dealing drugs from his bed—just as he did before. In light of those facts, it was not clearly erroneous for the district court to find that Batiste, if released, could continue his criminal activity and pose a danger to the public.

Last, the district court determined that compassionate release would duplicate the relief it had already provided in the form of a substantial downward departure. At initial sentencing, Batiste motioned for a downward departure because of his current and future medical condition. Granting that motion, the court departed substantially downward and imposed a sentence that was about fifty percent shorter than the guidelines-recommended minimum. The court took the reason for its downward departure into account when deciding whether to exercise its discretion to grant relief.

Batiste contends the district court abused its discretion in two ways: *First*, he disputes the finding that he poses a danger to the public. Averring that he is “extremely unlikely” to recidivate, Batiste points to his worsening disability, terminal diagnosis, compliance with the conditions of his pretrial release, and plans to live with his sister. *Second*, he faults the court for its concern about granting duplicative relief. That concern, he asserts, runs counter to Guidelines commentary and “the chief purposes of compassionate relief.”

Neither contention has merit. Ample evidence supports the court’s finding that it needed to protect the public from Batiste’s future criminality. So, that finding is not a clearly erroneous assessment of the evidence. *See Jackson*, 27 F.4th at 1091. And, as Batiste admits, nothing prohibits the district court from considering the reason for its previous departure in deciding whether to exercise its discretion to grant compassionate release. At bottom, Batiste’s contentions reflect his disagreement with the district court’s “weighing of the § 3553(a) factors, but that is not a sufficient ground for reversal.” *Rollins*, 53 F.4th at 360 (cleaned up).

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The district court provided an explanation of its reasons for denying compassionate release. Comprehensive and detailed, those reasons were not based on a clearly erroneous assessment of the evidence. There was no abuse of discretion.

AFFIRMED.