

United States Court of Appeals for the Fifth Circuit

No. 24-20444
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

July 14, 2025

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

JOHN ANTHONY TAYLOR,

Defendant—Appellant.

Appeal from the United States District Court
for the Southern District of Texas
USDC No. 4:99-CR-553-2

Before KING, SOUTHWICK, and ENGELHARDT, *Circuit Judges.*

PER CURIAM:*

John Anthony Taylor, federal prisoner # 26788-034, appeals the district court's order entered on September 17, 2024. Although Taylor contends that the order denied his 18 U.S.C. § 3582(c)(1)(A)(i) motion for compassionate release, which was docketed on June 11, 2024, the order only denied § 3582(c)(2) relief based upon Amendment 821 to the Sentencing

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

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Guidelines. *See* 18 U.S.C. § 3582(c)(2) (providing that district court may determine eligibility “on its own motion”).¹ By exclusively arguing in his appellate brief that he is entitled to compassionate release, Taylor fails to address, and has therefore abandoned any challenge to, the denial of § 3582(c)(2) relief under Amendment 821. *See Yohey v. Collins*, 985 F.2d 222, 225 (5th Cir. 1993); *Brinkmann v. Dallas Cnty. Deputy Sheriff Abner*, 813 F.2d 744, 748 (5th Cir. 1987).

In any event, the district court did not err in determining as a matter of law that it lacked authority under the Guidelines to reduce Taylor’s sentence. *See United States v. Calton*, 900 F.3d 706, 710 (5th Cir. 2018); 18 U.S.C. § 3582(c)(2); U.S.S.G. § 1B1.10(a)(2), p.s. The record reflects that Taylor had six criminal history points at the time he was sentenced such that he is precluded from receiving a reduction as a zero-point offender. *See* U.S.S.G. § 4C1.1(a)(1) (2023). With regard to U.S.S.G. § 4A1.1(e) (2023), the district court incorrectly determined that Taylor was not assessed status points; nevertheless, since the lowering of his criminal history points from six to four does not result in a reduction of either his criminal history category or, by extension, his applicable guidelines range, Taylor does not qualify for a § 3582(c)(2) reduction. *See* U.S.S.G. Ch.5, Pt.A (sentencing table); § 1B1.10(a)(2), p.s.; *see also United States v. Roussel*, 705 F.3d 184, 195 (5th Cir. 2013) (providing that this court may affirm the district court’s application of the Guidelines on any basis supported by record).

¹ While the district court checked a box on the order indicating that it was adjudicating a motion filed by Taylor, the remainder of the order reflects that the district court sua sponte denied § 3582(c)(2) relief.

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Accordingly, the order denying § 3582(c)(2) relief is AFFIRMED. We express no opinion on the merits of Taylor's § 3582(c)(1)(A)(i) motion for compassionate release, which remains pending in the district court.