

United States Court of Appeals
for the Fifth Circuit

United States Court of Appeals
Fifth Circuit

FILED

April 26, 2024

Lyle W. Cayce
Clerk

No. 23-20503
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

RHONDA FLEMING,

Defendant—Appellant.

Appeal from the United States District Court
for the Southern District of Texas
USDC No. 4:07-CR-513-1

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

PER CURIAM:*

Rhonda Fleming, federal prisoner #20446-009, moves to proceed *in forma pauperis* (“IFP”) on appeal of the denial of her motion for compassionate release, filed per 18 U.S.C. § 3582(c)(1)(A)(i). Fleming asserts that the district court erred by determining that she had not established extraordinary and compelling reasons warranting a reduced sentence and

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

No. 23-20503

that the 18 U.S.C. § 3553(a) factors did not support a sentence reduction.

We review the denial of the motion for abuse of discretion. *See United States v. Chambliss*, 948 F.3d 691, 693 (5th Cir. 2020). The district court concluded that the § 3553(a) factors did not warrant relief; specifically, the court cited Fleming’s history and characteristics and the need for the sentence to promote respect for the law, provide just punishment, and adequately deter criminal conduct. *See* § 3553(a)(1), (2)(A), (B).

Although Fleming disagrees with the district court’s weighing of the § 3553(a) factors, her disagreement is not a sufficient ground for reversal. *See Chambliss*, 948 F.3d at 694. Because Fleming has failed to demonstrate that there is a nonfrivolous argument that the district court abused its discretion by denying relief based on the balancing of the § 3553(a) factors, we need not consider her arguments regarding extraordinary and compelling reasons. *See id.* at 693–94.

The motion to proceed IFP is DENIED, and the appeal is DISMISSED as frivolous. *See Baugh v. Taylor*, 117 F.3d 197, 202 n.24 (5th Cir. 1997); *Howard v. King*, 707 F.2d 215, 220 (5th Cir. 1983); 5TH CIR. R. 42.2. Fleming is WARNED that additional frivolous or repetitive filings in this court or the district court will result in monetary sanctions and limits on her access to this court and any court subject to this court’s jurisdiction.

Fleming’s motion for the appointment of counsel, motion for bail pending appeal, motion for summary disposition, motion to expedite appeal, and motion to transfer the appeal are all DENIED.