[DO NOT PUBLISH]

In the

United States Court of Appeals

For the Eleventh Circuit

No. 24-12867

Non-Argument Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

GUS JUNIOR BUTLER,

Defendant-Appellant.

Appeal from the United States District Court
for the Southern District of Florida
D.C. Docket No. 9:16-cr-80199-KAM-1

Before JORDAN, GRANT, and KIDD, Circuit Judges.

PER CURIAM:

Gus Butler, a federal prisoner proceeding *pro se*, appeals the district court's denial of his motion for compassionate release under 18 U.S.C. § 3582(c)(1)(A). He argues that the district court was required to determine whether the 18 U.S.C. § 3553(a) factors weighed for or against granting compassionate release and erred in determining that he was a danger to the public based on his offense conduct and criminal history. The government responds by moving for summary affirmance.

I

Summary disposition is appropriate either where time is of the essence, such as "situations where important public policy issues are involved or those where rights delayed are rights denied," or where "the position of one of the parties is clearly right as a matter of law so that there can be no substantial question as to the outcome of the case, or where, as is more frequently the case, the appeal is frivolous." *Groendyke Transp., Inc. v. Davis*, 406 F.2d 1158, 1162 (5th Cir. 1969).

II

We "review *de novo* whether a defendant is eligible for a sentence reduction under 18 U.S.C. § 3582(c)(1)(A). After eligibility is established, we review a district court's denial of a prisoner's

§ 3582(c)(1)(A) motion for abuse of discretion." *United States v. Giron*, 15 F.4th 1343, 1345 (11th Cir. 2021) (citation omitted).

A district court has no inherent authority to modify a defendant's sentence and may do so "only when authorized by a statute or rule." *United States v. Puentes*, 803 F.3d 597, 605-06 (11th Cir. 2015). A district court may reduce a term of imprisonment under § 3582(c)(1)(A) "if (1) the § 3553(a) sentencing factors favor doing so, (2) there are extraordinary and compelling reasons for doing so, and . . . (3) doing so wouldn't endanger any person or the community within the meaning of [U.S.S.G.] § 1B1.13's policy statement." *United States v. Tinker*, 14 F.4th 1234, 1237 (11th Cir. 2021) (quotation marks omitted). The district court may consider these factors in any order, and the absence of any of the three forecloses a sentence reduction. *See id.* at 1237-38.

"A court must explain its sentencing decisions adequately enough to allow for meaningful appellate review. The abuse of discretion standard, though, does afford district courts a range of choice, and we cannot reverse just because we might have come to a different conclusion." *Giron*, 15 F.4th at 1345 (quotation marks and citation omitted).

III

Generally, issues not raised in an initial brief are considered abandoned and will not be addressed absent extraordinary circumstances. *See United States v. Campbell*, 26 F.4th 860, 873 (11th Cir. 2022) (en banc). An appellant abandons a claim when (a) he makes only passing references to it, (b) he raises it in a perfunctory manner

without supporting arguments and authority, (c) he refers to it only in the "statement of the case" or "summary of the argument," (d) the references to the issue are mere background to the appellant's main arguments or are buried within those arguments, or (e) he raises it for the first time in his reply brief. *See Sapuppo v. Allstate Floridian Ins. Co.*, 739 F.3d 678, 681-83 (11th Cir. 2014). When an appellant fails to challenge properly on appeal one of the multiple, independent grounds on which the district court based its judgment, he is deemed to have abandoned any challenge of that ground, and the judgment is due to be affirmed. *See id.* at 680.

We construe a *pro se* litigant's pleadings liberally. *See Alba v. Montford*, 517 F.3d 1249, 1252 (11th Cir. 2008). Nevertheless, *pro se* litigants are not relieved from following procedural rules. *See Albra v. Advan, Inc.*, 490 F.3d 826, 829 (11th Cir. 2007). Issues not briefed on appeal by a *pro se* litigant are therefore deemed abandoned. *See Timson v. Sampson*, 518 F.3d 870, 874 (11th Cir. 2008).

We may affirm the district court's judgment on any ground that finds support in the record. *See McKay v. United States*, 657 F.3d 1190, 1195-96 (11th Cir. 2011). Here, we grant the government's motion for summary affirmance. Even providing liberal construction to his *pro se* brief, Mr. Butler abandoned any challenge to the district court's determination that he had failed to show an extraordinary and compelling reason for release, which was one of the independent grounds for the district court's ruling. *See Timson*, 518 F.3d at 874. The order denying compassionate relief is therefore due to be affirmed. *See Sapuppo*, 739 F.3d at 680.

IV

We GRANT the government's motion for summary affirmance of the district court's order denying Mr. Butler's motion for compassionate release. *See Groendyke*, 406 F.2d at 1162; *Sapuppo*, 739 F.3d at 680-83.

AFFIRMED.