

United States Court of Appeals
for the Fifth Circuit

United States Court of Appeals
Fifth Circuit

FILED

December 18, 2020

Lyle W. Cayce
Clerk

No. 20-10536
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

JAMES L. RUDZAVICE,

Defendant—Appellant.

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 4:07-CR-138-1
USDC No. 4:20-CV-505

Before WIENER, SOUTHWICK, and DUNCAN, *Circuit Judges.*

PER CURIAM:*

James Rudzavice was convicted of child pornography offenses and sentenced to 360 months in prison. *United States v. Rudzavice*, 586 F.3d 310, 312-13 (5th Cir. 2009). He appeals from the district court's denial of a motion

* Pursuant to 5TH CIRCUIT RULE 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIRCUIT RULE 47.5.4.

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for compassionate release under 18 U.S.C. § 3582(c)(1)(A), in which he argued that the threat of COVID-19 in prison constituted extraordinary and compelling reasons for release. He asserts on appeal that he has already contracted COVID-19 once and fears reinfection. He also asserts that the district court was biased, and he seeks a remand for reconsideration by a different judge.

We need not decide whether the risk of reinfection constitutes an extraordinary and compelling reason for compassionate release because the district court did not abuse its discretion by concluding that Rudzavice remained a danger to the safety of others and that his immediate release after serving less than half of his sentence would not be in the interest of justice and would minimize the seriousness of his crimes. *See United States v. Chambliss*, 948 F.3d 691, 692-93 (5th Cir. 2020).

The judgment is AFFIRMED. Rudzavice's motion for appointment of counsel and all of his other requests for relief are DENIED.